



Security Council

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GENERAL

S/23993
22 May 1992

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).

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English
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Annex

Letter dated 22 May 1992 from the Executive Chairman of the
Special Commission addressed to the Secretary-General

As requested by the President of the Security Council, I am submitting herewith a report on the status of compliance by Iraq with the obligations placed upon it under section C of Security Council resolution 687 (1991) and Council resolutions 707 (1991) and 715 (1991) for use in the Council's 60-day review of the sanctions imposed upon Iraq.

(Signed) Rolf EKEUS
Executive Chairman
Office of the Special Commission

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Report on the status of compliance by Iraq with the obligations placed upon it under section C of Security Council resolution 687 (1991) and resolutions 707 (1991) and 715 (1991)

A. Introduction

1. Since the circulation on 7 March 1992 of the report of the Secretary-General on the status of compliance by Iraq with the obligations placed upon it under certain of the Security Council resolutions relating to the situation between Iraq and Kuwait, 1/ a further report of the Secretary-General dated 10 April 1992 2/ has been issued which contains the six-monthly report of the Executive Chairman of the Special Commission on the implementation of the plans adopted under Security Council resolution 715 (1991) for ongoing monitoring and verification of Iraq's obligations not to reacquire weapons proscribed to it under the terms of Council resolution 687 (1991). In addition, three statements of the President of the Security Council have been circulated as Security Council documents: the President's opening remarks at the 11-12 March 1992 meeting of the Security Council, 3/ the statement made by the President on 12 March 1992 on behalf of the members of the Council at the end of that meeting, 4/ and the statement made by the President on 10 April 1992 on behalf of the members of the Council in response to the implicit threats made by Iraq to the safety of the Special Commission's high-altitude surveillance aircraft. 5/

2. The present report contains a brief account of the developments documented in the report of 10 April 1992 and the Council's actions on it. It then brings up to date the information contained in the report of 7 March 1992 in so far as it relates to the inspection activities undertaken under the aegis of the Special Commission in the discharge of its responsibilities under section C of Security Council resolution 687 (1991).

B. Security Council resolutions 707 (1991) and 715 (1991)

3. The Secretary-General's report of 7 March 1992 concluded that, despite the vigorous efforts of the Security Council and the Special Commission, Iraq had still not acknowledged its obligations under Council resolutions 707 (1991) and 715 (1991) nor had it provided the full, final and complete disclosure of all aspects of its proscribed weapons programmes nor the initial declarations required under the plans for future ongoing monitoring and verification. That report also noted that a high-level Iraqi delegation was due to meet the Security Council in the immediate future and that the solution to the matter lay with Iraq.

4. On 11 and 12 March 1992 the high-level Iraqi delegation, headed by the Deputy Prime Minister, appeared before the Security Council. At the outset of that meeting, the President of the Council made a statement on behalf of its members 3/ in which he recalled in some detail the Council statements of 19 February 1992 6/ and 28 February 1992. 7/

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5. The Deputy Prime Minister of Iraq addressed the Council on 11 March 1992, and on 12 March he responded to questions addressed to him by members of the Council. 8/ The unconditional assurances which the Council had been seeking were not forthcoming on either occasion. In his initial statement, he said that Iraq was "no longer in possession of any weapons, munitions or major or minor systems prohibited by resolution 687 (1991)" and that "the equipment used, or allegedly used, in producing such items has been identified". In regard to ongoing monitoring and verification, the Deputy Prime Minister stated that Iraq was prepared to cooperate, while underlining the need for respect for Iraqi dignity, sovereignty and national security.

6. On 12 March 1992, the President of the Council made a statement, on behalf of the Council, in which, with reference to "the extent of compliance by the Government of Iraq with its obligations under the relevant Security Council resolutions", he recorded that "the Government of Iraq has not yet complied fully and unconditionally with those obligations, must do so and must immediately take the appropriate actions in this regard". The President's statement concluded with the Council's hope that "the goodwill expressed by the Deputy Prime Minister of Iraq will be matched by deeds".

7. On 12 and 13 March 1992, an Iraqi team, drawn from amongst the members of the high-level Iraqi delegation to the Security Council, met officials from the Office of the Executive Chairman of the Commission. The latter provided to the former detailed explanations as to the format and modalities required by the Special Commission's plan for ongoing monitoring and verification under its different sections and annexes. The Iraqi team promised to provide, by early April, the information required under the plan except on the sources of imported items and on operational deployment or disposition of relevant weapons. The Commission's side stressed, however, that the information should be provided in full as required by the plan. In addition, the Iraqi team promised that Iraq would provide, within the same time-frame, the full, final and complete disclosure of all aspects of its proscribed weapons programmes as required under Security Council resolution 707 (1991). Iraq invited the Commission to visit Baghdad in order to review both sets of draft declarations. The Commission indicated that it would accept the invitation if it received the declarations and Iraq's clear acknowledgement of its obligations arising from resolutions 707 (1991) and 715 (1991) ahead of the visit. Subsequently, the Iraqi authorities stated that such formal acknowledgement of its obligations would be forthcoming soon. Iraq has not yet fulfilled any of these promises and there is no indication of when it will.

8. On 10 April 1992 the Secretary-General, as required by paragraph 8 of Security Council resolution 715 (1991), submitted to the Council a report on the status of the implementation of the Special Commission's plan for the ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991). 2/ The Secretary-General's report, after recounting pertinent details on the developments outlined above, concluded that Iraq had neither been in compliance with Security Council resolutions nor with the plans. The members of the Council decided that the President of the Council should convey to the

Iraqi Permanent Representative to the United Nations that Iraq's compliance with the plans was imperative. This he did on 22 April 1992. A formal Iraqi response is still awaited.

C. Inspection activities and other issues arising under section C of Security Council resolution 687 (1991) and related resolutions

1. Chemical and biological weapons

9. In the chemical area, while verification and survey activities continue, there has been a progressive shift in emphasis with relatively more time and resources being devoted to issues directly related to the destruction of Iraq's identified chemical weapons assets. At Khamisiyah, the Special Commission has supervised the first destruction of filled chemical munitions, while at the Muthanna site work is progressing to construct chemical agent destruction plants. The aim is to have these plants commissioned during the summer of 1992. A new development was the Iraqi admission of 19 March 1992 that it had omitted to declare 24,470 chemical munitions and that these weapons had been unilaterally destroyed in direct contravention of resolution 687 (1991), which requires that possession of Iraq's chemical weapons should be yielded to the Commission for destruction, removal or rendering harmless under its supervision. An inspection team has since been able to verify, by examining the excavated remains of the munitions, that the numbers contained in the Iraqi declarations were substantially correct.

10. There have been few developments on the biological side. Inspection activities have continued through joint chemical/biological teams.

2. Ballistic missiles

11. In the ballistic missile area, the emphasis has shifted to the destruction of facilities associated with Iraq's production programme. The Executive Chairman informed the Iraqi authorities that destruction should start in February 1992. Initially, as recorded in the 7 March 1992 report, Iraq delayed and refused to comply. Only at the end of March 1992 did Iraq allow the destruction of these facilities to begin. This destruction programme is now well-advanced.

12. Meanwhile, inspection activities also continued, with Iraq maintaining that it no longer had any missiles with a range greater than 150 kilometres and hence that there was no further missile destruction to be done. Confronted, however, with the knowledge that the Special Commission had incontrovertible evidence that Iraq's initial declarations of April 1991 had not included a substantial number of ballistic missiles and related equipment then in its possession, Iraq presented on 19 March 1992 a new declaration. In it Iraq admitted that it had failed to declare 92 proscribed ballistic missiles and much associated equipment and vehicles, including mobile missile

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launchers, and that it had destroyed these unilaterally, in contravention of resolution 687 (1991), in the summer of 1991. Inspection teams since then have been able to verify that the numbers contained in this new declaration were substantially correct.

13. However, while events have proceeded more smoothly at the field level than at the political level, there have been occasions when there has been deliberate interference with inspection activities, e.g. tampering with equipment designated for removal by inspection teams for further analysis and doctoring of documentation. Such interference, coupled with Iraq's failure to date to provide the full, final and complete disclosure required under resolution 707 (1991), can only be interpreted as evidence that Iraq is still seeking to conceal from the Special Commission information directly relevant to section C of resolution 687 (1991).

D. Issues relating to the obligations of Iraq in connection with the facilities, privileges and immunities of the Special Commission and the International Atomic Energy Agency

1. Landing rights

14. Another issue which remains unresolved is that of landing rights for the Special Commission's fixed-wing aircraft in the Baghdad area. Up to the present, landing rights facilities have been made available by the Iraqi authorities for these aircraft at Habbaniyah airfield, 100 kilometres from Baghdad, although two airfields within Baghdad city limits have been returned to operational use (Muthanna and Rasheed).

15. Reference to the difficulties experienced in this regard were made in paragraph 31 of section B of the annex to the Secretary-General's report to the Security Council of 25 January 1992 9/ and the matter was elaborated upon in paragraphs 7 and 8 of the Executive Chairman's special report to the Council of 18 February 1992. 10/

16. On 11 April 1992, the Executive Chairman addressed a letter to the Minister of State for Foreign Affairs of Iraq recalling the entire history of the matter. In that letter, the Executive Chairman indicated that the Special Commission will have in the near future to make a determination that Rasheed airfield is the most appropriate for the work of the Commission, unless in the interim the Iraqi authorities propose to the Commission an airport in Baghdad which meets the Commission's requirements. Rasheed would permit consolidation of all the Commission's air operations at one location convenient for its offices and accommodation in Baghdad and would obviate the long delays occasioned by the use of Habbaniyah. At Habbaniyah, the distance from Baghdad has been compounded as a source of delay by the resumption of flights by Iraqi military aircraft requiring the Commission to take long detours to reach the airport facilities. If a determination of the nature just outlined becomes necessary, it would be reported by the Executive Chairman to the Security Council.

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2. Aerial surveillance

17. A separate problem has been that of the Special Commission's high-altitude surveillance aircraft. On 10 April 1992 the Special Commission received from the Iraqi Chargé d'affaires a letter warning that to persist with a notified flight might endanger the safety of the aircraft and its crew. This matter was reported forthwith to the Security Council, which immediately issued a statement warning Iraq not to interfere with the flight. 5/ Although Iraq then gave assurances that it would not interfere with the flight, it still persists in protesting the flights of this aircraft, despite the clear right of the Commission to undertake them.

3. Document seizure

18. Iraq, as reported in the previous report, still has not returned all the documents forcibly removed from a nuclear inspection team in Baghdad on 23 September 1991.

Summary

19. The further efforts made since 7 March 1992 to obtain Iraq's acknowledgement of and compliance with all its obligations arising from section C of resolution 687 (1991) and resolutions 707 (1991) and 715 (1991) have failed to produce the desired results. The Security Council has noted in the statement made on 19 February 1992 on its behalf by the President 6/ that Iraq's behaviour in this regard "constitute[s] a continuing material breach of the relevant provisions of resolution 687 (1991)".

20. The Iraqi declaration of 19 March 1992, referred to above, while evidencing some shift by Iraq towards greater openness, has at the same time proven that the Iraqi authorities have not only deliberately misled the Special Commission by omission but have also actively falsified the evidence. Thus, perhaps paradoxically, this potential shift towards more transparency, while welcomed if it heralds a real shift towards a fully cooperative attitude on the part of the Government of Iraq, has taken place under circumstances that justify the Commission's scepticism of Iraq's declarations in the past. It also indicates that, at least for the immediate future, new declarations will also have to be closely scrutinized and that the Commission will have to continue with its programme of inspection and survey missions.

21. Although some progress has been made, clearly much remains to be done. In particular, the following require action before the Commission can report to the Security Council that Iraq is in substantial compliance with its obligations:

(a) The destruction, removal or rendering harmless of Iraq's prohibited weapons capabilities - i.e., equipment and facilities associated with its weapons of mass destruction and ballistic missiles programmes and the destruction of Iraq's stocks of chemical munitions, agents and precursors;

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(b) Acceptance by Iraq of its obligations under Council resolutions 707 (1991) and 715 (1991);

(c) Provision by Iraq of the required full, final and complete disclosure of all aspects of its programmes for weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres as required under Council resolution 687 (1991) and verification by the Commission of the accuracy of the data provided;

(d) Declarations by Iraq under the plans adopted through resolution 715 (1991), with regard to, inter alia, dual capable facilities used for permitted purposes but which could be used for prohibited purposes;

(e) The initiation and smooth functioning of the plans for future ongoing monitoring and verification to ensure that Iraq does not reacquire prohibited capabilities;

(f) Acceptance by Iraq of the Special Commission's aircraft landing rights.

22. The Special Commission remains determined effectively to fulfil the mandate delegated to it under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991).

Notes

- 1/ S/23687.
- 2/ S/23801.
- 3/ S/23699.
- 4/ S/23709.
- 5/ S/23803.
- 6/ S/23609.
- 7/ S/23663.
- 8/ S/PV.3059 and S/PV.3059 (Resumption 2).
- 9/ S/23514.
- 10/ S/23606, annex.



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GENERAL ASSEMBLY
Forty-seventh session
Item 69 of the preliminary list*
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-seventh year

Letter dated 22 May 1992 from the Chargé d'affaires a.i. of
the Permanent Mission of Albania to the United Nations
addressed to the Secretary-General

I have the honour to transmit herewith the letter of the President of the Republic of Albania (annex) on the further escalation of the conflict in former Yugoslavia, Bosnia-Herzegovina and particularly on the threatening of peace and the danger of a massacre being prepared by Serbia in Kosova taking advantage of the first free elections due to be held on 24 May 1992 in Kosova.

I would very much appreciate it if you would have the text of present letter and its annex circulated as an official document of the forty-seventh session of the General Assembly, under item 69 of the preliminary list, and of the Security Council.

(Signed) Sokol NEÇAJ
Chargé d'affaires

* A/47/50.

ANNEX

Letter dated 15 May 1992 from the President of the
Republic of Albania to the Secretary-General

I feel particularly honoured to address myself to you in order to express my profound concern about the fightings in Bosnia-Herzegovina in recent days, where, as a result of the aggression of Serbia and the JNA, being under its command, numerous victims and incalculable damage are being inflicted.

Albania is observing with great attention the tragic situation in former Yugoslavia, and it has constantly expressed its support of the all-round efforts by the United Nations and you personally aiming to put an end as soon as possible to the fightings and to create the conditions favourable for the settlement of peace, so that the peoples of former Yugoslavia, that is, the Albanians too, decide on their own destiny by their free will and in a peaceful way.

On 24 May 1992 the Kosovar people will hold their first multi-party elections. Notwithstanding the noise made and the interpretation given by the chauvinistic Serbian circles about these elections, they are, indeed, an expression of the will and right of the people themselves to be governed by people elected by them, and they undoubtedly constitute a great contribution to the peaceful settlement of the issue of former Yugoslavia.

In view of the stepping up of the aggression in Bosnia-Herzegovina and taking account of the fact that it is two years now that considerable military troops and means have been concentrated in the territory of Kosova, to which the Serbian-Montenegro paramilitary formations have been added, Albania has continuously drawn the attention of the international public opinion and bodies about the danger threatening peace and security in the Balkans and more widely. This danger, fraught with greater consequences, becomes more imminent with the forthcoming first free elections in Kosova, which may be exploited for the displacement of the aggression to the south. Hence, I deem it necessary, Mr. Secretary-General, that you exert your influence on and recommend to the Security Council that United Nations observers and forces be present in the territory of Kosova so that an eventual military attack against Kosova and the Albanians living there be prevented, and to observe the holding of the elections. This would also conduce to the cause of security and peace, which you personally have committed yourself to.

On this occasion, allow me, Mr. Secretary-General, to express to you the all-round and powerful support of the Republic of Albania of all the measures and actions of the United Nations and its Security Council for the settlement of the Yugoslav issue as soon as possible and in a peaceful way appropriate to all the peoples of former Yugoslavia.

Sali BERISHA



Security Council

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S/23995
23 May 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 21 MAY 1992 FROM THE PERMANENT REPRESENTATIVE
OF MAURITANIA TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

I have the honour to transmit to you herewith the text of a letter addressed to you by Mr. Mohamed Abdoul Rahmane Ould Amin, Minister for Foreign Affairs and Cooperation of the Islamic Republic of Mauritania, regarding the point of view of the Libyan Arab Jamahiriya, a member of the Arab Maghreb Union of which Mauritania is currently Chairman, on certain aspects of the current crisis.

The text of the Minister's letter is as follows:

"Having examined the letter dated 11 May 1992 from Mr. Ibrahim Mohamed El-Bachari, Secretary of the People's Committee of the People's Bureau for Foreign Liaison and International Cooperation, I consider it my duty to draw attention to certain positive points made in that letter:

- Libya agrees to implement Security Council resolution 731 (1992) and to dissociate itself from terrorism and terrorists;
- Libya is fully prepared to comply with the requests of the British Government for information concerning the Irish Republican Army (IRA);
- Libya agrees to respond fully to the request made by the French Government.

"Moreover, the Libyan authorities have not rejected the principle of extraditing the two suspects currently being held by the Libyan judicial authorities, so that the appropriate decision can be taken as soon as possible.

"Aware that you are always seeking to maintain peace and international security in the interest of all peoples, in particular, regional groups, and that you are not unaware of the concern that this

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English

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problem has raised among the countries members of the Arab Maghreb Union, I request that you make every effort to find a speedy solution to this crisis, since the Libyan position, as I have already indicated, has markedly changed.

"Nouakchott, 21 May 1992

"(Signed) Mohamed Abdoul Rahmane OULD AMIN
Minister for Foreign Affairs and Cooperation"

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Mohamedou OULD MOHAMED MAHMOUD
Ambassador
Permanent Representative



Security Council

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S/23996
23 May 1992

ORIGINAL: ENGLISH

LETTER DATED 22 MAY 1992 FROM THE PERMANENT
REPRESENTATIVE OF BULGARIA TO THE UNITED
NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit, enclosed herewith, the text of a letter dated 22 May 1992, addressed to Your Excellency by H.E. Mr. Stoyan Ganev, Minister of Foreign Affairs of the Republic of Bulgaria, concerning the situation in Bosnia and Herzegovina.

I would appreciate it if Your Excellency would arrange for this letter to be circulated as a document of the Security Council.

(Signed) Svetlomir BAEV
Ambassador
Permanent Representative

Annex

Letter dated 22 May 1992 from the Minister for Foreign Affairs
of Bulgaria addressed to the Secretary-General

The Republic of Bulgaria and the entire international community follow with enormous concern the developments in the former neighbouring Yugoslavia, notably the escalation of the armed conflict in the territory of Bosnia and Herzegovina. Regrettably, the efforts towards its termination and peaceful political settlement still fail to produce the expected results. The danger of the military activities spilling over to other territories of the former Yugoslavia is growing with each passing day. All this carries unforeseeable risks to peace and security in the Balkans, including the Republic of Bulgaria.

I am therefore addressing Your Excellency, in your capacity as Secretary-General of the United Nations, requesting your assistance in dispatching and deploying United Nations observers along the border between Bulgaria and the former Yugoslavia, in order to avert any possible expansion of the conflict.

I am hopeful that Your Excellency will bring this matter to the attention of the Security Council and will assist in order that my request be given a timely and duly attentive consideration.

In this connection, I wish to request that Your Excellency would notify the Security Council of the Bulgarian Government's readiness to provide all necessary conditions for the implementation of the said observer mission.

(Signed) Stoyan GANEV
Minister of Foreign Affairs
of the Republic of Bulgaria



Security Council

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S/23997
26 May 1992

ORIGINAL: ENGLISH

LETTER DATED 26 MAY 1992 FROM THE PERMANENT REPRESENTATIVE
OF CANADA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

In the light of the continuing dangerous situation in Bosnia and Herzegovina and other ex-republics of the former Socialist Federal Republic of Yugoslavia, I have been instructed by my Government to request an urgent formal meeting of the Security Council with a view to imposing economic, trade and oil sanctions against the authorities in Belgrade and to consider steps that would allow United Nations-escorted relief convoys to reach civilians in Bosnia and Herzegovina and to open Sarajevo airport for humanitarian reasons.

I would be grateful if you would arrange for this letter to be circulated as a document of the Security Council.

(Signed) Louise FRECHETTE
Ambassador and
Permanent Representative

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GENERAL ASSEMBLY

Forty-seventh session

Items 12, 18, 28, 30, 31, 33, 35, 40,
43, 47, 61, 79, 80, 81, 82, 83, 85
and 98 of the preliminary list*

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL
IMPLEMENTATION OF THE DECLARATION ON THE
GRANTING OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

THE SITUATION IN AFGHANISTAN AND ITS
IMPLICATIONS FOR INTERNATIONAL PEACE
AND SECURITY

QUESTION OF PALESTINE

REVITALIZATION OF THE WORK OF THE
GENERAL ASSEMBLY

POLICIES OF APARTHEID OF THE GOVERNMENT
OF SOUTH AFRICA

THE SITUATION IN THE MIDDLE EAST

QUESTION OF EQUITABLE REPRESENTATION ON
AND INCREASE IN THE MEMBERSHIP OF THE
SECURITY COUNCIL

LAUNCHING OF GLOBAL NEGOTIATIONS ON
INTERNATIONAL ECONOMIC COOPERATION
FOR DEVELOPMENT

RESTRUCTURING AND REVITALIZATION OF THE
UNITED NATIONS IN THE ECONOMIC, SOCIAL
AND RELATED FIELDS

GENERAL AND COMPLETE DISARMAMENT
DEVELOPMENT AND INTERNATIONAL ECONOMIC
COOPERATION

REPORT OF THE UNITED NATIONS CONFERENCE
ON ENVIRONMENT AND DEVELOPMENT

SECURITY COUNCIL

Forty-seventh year

* A/47/50.

PROTECTION OF GLOBAL CLIMATE FOR PRESENT
AND FUTURE GENERATIONS OF MANKIND
INTERNATIONAL COOPERATION FOR THE
ERADICATION OF POVERTY IN DEVELOPING
COUNTRIES
EXTERNAL DEBT CRISIS AND DEVELOPMENT
INTERNATIONAL COOPERATION FOR ECONOMIC
GROWTH AND DEVELOPMENT
HUMAN RIGHTS QUESTIONS

Letter dated 22 May 1992 from the representatives of
Indonesia and Yugoslavia to the United Nations
addressed to the Secretary-General

We, representatives of the Chairman of the Movement of Non-Aligned Countries and the Chairman of the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries held at Bali, Indonesia, from 14 to 16 May 1992, have the honour to enclose herewith the press communiqué issued at the conclusion of the Meeting (see annex).

We would be grateful if you could have the text of this letter and its annex circulated as an official document of the General Assembly under provisional items 12, 18, 28, 30, 31, 33, 35, 40, 43, 47, 61, 79, 80, 81, 82, 83, 85 and 98 of the preliminary list, and of the Security Council.

(Signed) Nana S. SUTRESNA
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative of
Indonesia to the United Nations

(Signed) Dragomir DJOKIC
Ambassador Extraordinary
and Plenipotentiary
Chargé d'affaires a.i. of the
Socialist Federal Republic of
Yugoslavia to the United Nations

ANNEX

Press communiqué issued at the conclusion of the
Ministerial Meeting of the Coordinating Bureau of
the Movement of Non-Aligned Countries at Bali,
Indonesia, from 14 to 16 May 1992

1. The Meeting of the Coordinating Bureau of the Non-Aligned Movement at the Ministerial level was held in Bali, Indonesia, on 14-16 May 1992, and was inaugurated by the President of Indonesia, His Excellency Mr. Soeharto, at a solemn inaugural session. His inspiring inaugural address was welcomed by the participants as a significant and valuable contribution to the Meeting, and it was adopted as the official document of the Meeting.
2. Pursuant to the understanding reached at the meeting of the Ministerial Committee on Methodology held in Larnaca, Cyprus on 3-4 February 1992 which was subsequently endorsed by the meeting of the Coordinating Bureau in New York on 27 February 1992, the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement was hosted by Indonesia and chaired by H.E. Mr. Ali Alatas, Minister for Foreign Affairs of Indonesia.
3. Representatives of the following countries which are members of the Movement participated in the meeting : Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, Colombia, Comoros, Cote D'Ivoire, Cuba, Cyprus, Egypt, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Korea (Democratic People's Republic of), Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Palestine, Panama, Papua New Guinea, Qatar, Senegal, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tanzania (United Republic of), Tunisia, Uganda, United Arab Emirates, Venezuela, Vietnam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

4. Representatives of the following countries, organizations and national liberation movements attended the meeting as observers : Brazil, People's Republic of China, Costa Rica, Mexico, the Philippines, African National Congress (ANC), League of Arab States, Organization of African Unity (OAU), Organization of Islamic Conference (OIC), Pan Africanist Congress of Azania (PAC), United Nations.

5. Guest delegations from the following countries and organizations were also present at the meeting : Australia, Austria, Bulgaria, Canada, Czech and Slovak Federal Republic, Finland, Germany (Federal Republic of), Greece, Holy See, Netherlands, New Zealand, Norway, Poland, Romania, San Marino, Spain, Sweden, Switzerland, Food and Agriculture Organization, Indian Institute for Non-Aligned Studies, International Committee of the Red Cross, United Nations Committee on the Exercise of the Inalienable Rights of Palestinian People, United Nations Conference on Trade and Development, United Nations High Commissioner on Refugees, United Nations Industrial Development Organization, United Nations International Children's Emergency Fund, United Nations Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonized Countries and Peoples, United Nations Educational, Scientific and Cultural Organization, United Nations Special Committee Against Apartheid, World Food Programme, World Health Organization.

6. The Meeting elected other officers of the Bureau as follows :

Vice-Chairmen :

Algeria, Gabon, Ghana, Mozambique, Kenya, Bangladesh, India, Islamic Republic of Iran, Syrian Arab Republic, Chile, Colombia, Guyana, Panama, Malta.

Rapporteur General :

Nigeria.
Yugoslavia (ex officio)

7. The Meeting welcomed the reactivation of the membership of Cambodia in the Movement. Guatemala and the Independent State of Papua New Guinea were admitted as full members of the Movement. People's Republic of China was granted observer status.

8. The Meeting also took up the requests of Croatia for observer status and of Slovenia for guest status in the Non-Aligned Movement. However, due to the constraints of time and the wider ramifications of the question involved, the requests would be further considered at the next Meeting of the Coordinating Bureau in New York with a view to reaching a decision before the Tenth Summit Conference.

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9. To finalize the preparations for the Ministerial Meeting, the Coordinating Bureau at Ambassadorial / Senior Officials level met on 12 May 1992 and was chaired by H.E. Mr. S. Wiryo, Director General for Political Affairs of Indonesia. The meeting of the Ministerial Committee on Methodology of the Non-Aligned Movement was held on 13 May 1992, under the chairmanship of the Minister of Foreign Affairs of Cyprus, H.E. Mr. George Iacovou, to continue its work on certain organizational and procedural aspects within the framework of enhancing the efficiency and efficacy of the Movement's methods of work.

10. The preparations and arrangements made by Indonesia as the host country of the Tenth Conference of Heads of State or Government of the Non-Aligned Countries to be held in Jakarta from 1-6 September 1992 were welcomed by the Ministers, who also expressed their confidence that the Summit would constitute an event of pivotal historical importance. It would also serve as an opportunity to reinforce the role of the Movement in the emerging new world order, to forge stronger unity and solidarity among the member states and to underline their determination to play an effective and substantive role in shaping the course of international relations.

11. Guided by the ideals and objectives that were enshrined in the 10 Principles of Bandung in 1955 and further elaborated in the First Non-Aligned Summit Conference in Belgrade in 1961 and in subsequent summits, the Ministers considered and evaluated the present trends in international relations. They recalled the comprehensive review of the international situation made at the Meeting of the Foreign Ministers of Non-Aligned countries in Accra, Ghana, in September 1991, and assessed the significant changes that had already begun prior to the Ninth Summit and which continued to unfold at a rapid pace.

12. They pointed out that the contemporary world was in the process of divesting itself of the legacy and distortions of the Cold War. The cessation of East-West tensions has greatly improved the prospects for international peace, security and disarmament, in particular nuclear disarmament, which holds out high expectations for a real and significant "peace dividend". They called upon nuclear-weapon states to make further progress towards nuclear disarmament. Confrontation was no longer the order of the day, and dialogue and negotiations were in the ascendancy for resolving the differences of erstwhile adversaries. Protracted conflicts were giving way to the peace process in several crisis areas and increasingly regional developments were providing remarkable stimuli for transforming international relations. The establishment of a new Islamic and non-aligned Government in Afghanistan will contribute to prepare the groundwork for people's participation in the future political system of their country. It represented a clear example of enhanced peace and stability for various regions. The Movement took pride in its principled stand that has contributed its share to these dramatic changes sweeping the world. In this regard, the Ministers underlined efforts by the members of the Movement aimed at removing the causes of regional unrest and crises such as the Teheran Trilateral Summit on Nagorno-Karabakh.

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The Ministers considered Libya's acceptance of Security Council Resolution 731 a positive step and appealed to all parties concerned to settle their dispute in a just and peaceful manner.

13. The Ministers, however, noted that the emerging tendencies towards a unipolar world characterised by new elements in the complex international political landscape could limit the prospects of resolving global problems of today, as the interests and needs of the Non-Aligned and other developing countries are not taken into due account. They took the view that the Movement should not lose sight of the fact that long-standing unrest, simmering discontent and violent conflicts still ravage some regions of the world, such as those in Africa, Central Asia and other parts of the world.

14. The Ministers expressed deep concern over the tragic situation in Bosnia-Herzegovina, and called for the immediate cessation of hostilities and bloodshed. They called for the full respect of the territorial integrity of Bosnia-Herzegovina. They also called for the speedy withdrawal of all external forces from Bosnia-Herzegovina. They appealed to the Secretary-General of the United Nations for the deployment of UN peace-keeping forces in Bosnia-Herzegovina in order to restore peace and security through a peaceful settlement. The Ministers urged all countries concerned to cooperate fully with the United Nations and support all peace efforts. They underscored the importance to preserve the cultural heritage of Bosnia-Herzegovina, particularly Sarajevo and Mostar, and expressed support to initiatives taken to that effect. They further urged the international community and the United Nations to provide humanitarian assistance to the victims of the conflict. They hoped that Yugoslavia will succeed in resolving its problems as soon as possible and continue to play an active and important role in international relations, particularly in the Non-Aligned Movement.

15. The Ministers believed that the philosophy of the Movement is as relevant as ever and its underlying tenets have remained unchanged. However, the aspirations of the Non-Aligned countries for true equality, genuine independence and unfettered development remain substantially unfulfilled. In the pursuit of the Movement's objectives in this drastically changing global setting, the Ministers deemed it essential for the Movement to embark on a dynamic and timely adaptation to the new international realities as well as the articulation and implementation of appropriate strategies and approaches. The Movement would, by forging greater unity and solidarity, be able to take full advantage of the enhanced opportunities, to meet the new challenges in the evolving situation and to exert a more active influence on the direction of world developments and on the management of international relations.

16. The radical turn in the current course of international relations necessitates the revitalization, restructuring and democratization of the United Nations as the centerpiece of a dynamic multilateral process, both in the field of the maintenance of peace and security as well as the promotion of international cooperation for

development. The Ministers stressed the importance of the full adherence to the Charter of the United Nations and of the non-discriminatory and non-selective implementation of its provisions and UN resolutions. The Ministers welcomed the ongoing endeavours to reform and improve the efficiency and effectiveness of the United Nations, including those undertaken by the Secretary-General of the United Nations. In this connection, they took the view that it is essential for the Movement to participate more actively in these endeavours. They believed that a balanced relationship between the General Assembly, the Security Council, the revitalized Economic and Social Council and the Secretary-General is an imperative. In this regard, an enhanced role of the General Assembly as a forum for deliberation, negotiation and decision-making on all issues of global concern in accordance with the UN Charter must be pursued. Furthermore, the present membership of the Security Council should be reviewed with a view to reflecting the increased membership of the United Nations and promoting more equitable and balanced representation of its members. There has to be transparency in the functioning and democratisation in the decision-making, including the expansion of membership, of the Security Council. In this context, the role of the caucus of the Non-Aligned Movement in the Security Council is crucial.

17. The Ministers welcomed the convening of the Madrid Conference and the current peace efforts towards a just, comprehensive and durable solution in the Middle East, the core of which is the question of Palestine. They reaffirmed the view that the Peace Conference should seek the speedy implementation of UN Security Council Resolutions 242 (1967), 338 (1973), 425 (1978) and other relevant UN resolutions which require Israel's withdrawal from all occupied Arab lands and safeguard the right of the Palestinian people to self-determination. The Ministers reiterated their condemnation of Israel's policies of aggression, occupation, annexation and repression as well as its persistent refusal to implement the relevant UN Resolutions. These policies cannot be allowed to continue. It is deeply regretted that Israel has failed to respond positively to the peace initiative of the Palestine National Council which has already presented balanced and reasonable proposals conducive to the attainment of a comprehensive and just settlement of the Arab-Israeli conflict. The failure of the ongoing peace process may well affect international peace and security. Hence, the just, comprehensive and durable solution of the question of Palestine has now become more imperative and its attainment should remain a priority objective of the Movement. The Ministers remained convinced of the need of a comprehensive negotiated settlement to be achieved through the International Peace Conference on the Middle East, held under the auspices of the United Nations and with the participation of all parties involved on equal footing, including the PLO and the Permanent Members of the Security Council. They urged all parties to do their utmost to support the efforts to find solutions.

18. The Ministerial Committee of Nine on Palestine met under the chairmanship of H.E. Mr. Ali Alatas of Indonesia and was given a full briefing by the Foreign Minister of the State of Palestine on the current Middle East peace process. The

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Committee shared the assessment that Israel was as yet reluctant to make progress and that efforts should be made to accelerate the peace process.

19. The Ministers noted the beginning of a purposeful change towards a non-racial and democratic society in South Africa. However, they deplored the recurrent violence which could only be attributed to the persistence of Apartheid. If left unchecked, this development may wreck the peace process and threaten security, and therefore the Ministers are of the view that the United Nations should be actively engaged in the efforts to end the violence. They considered that the proposals by the Pretoria regime concerning the interim arrangement and the promulgation of a new constitution are still far short of the demands of the anti-Apartheid forces. The Ministers remained hopeful that the historic opportunity that has opened in South Africa to end Apartheid will not be missed and that the negotiating process including that undertaken by CODESA would result in overcoming the remaining obstacles towards the building of a new democratic and non-racial South Africa. They further urged the international community to continue to lend assistance to the South African majority towards a new democratic South Africa. In this connection, they welcomed the report of the AFRICA Fund.

20. Recognizing the indivisibility of peace, disarmament and development, the Ministers stressed that the revitalization of growth and development and the eradication of poverty and the elimination of colonialism and foreign occupation continue to be a priority and a major challenge at the present time. They noted that the recent positive changes in the political sphere have opened a real opportunity for these issues to be addressed in earnest and in a comprehensive manner.

21. The Ministers expressed their serious concern over the increasingly difficult external economic environment, mainly as the consequence of negative economic policies and practices of the countries of the North, obstructing economic development in the developing countries at a time when economic reforms and adjustments are being pursued. The developing countries are continuously crippled by debt burdens, strapped for development finance, denied adequate access to developed country markets due to increased protectionism and impeded by persistent declines of primary commodity prices. They regretted the continued use of economic coercive measures against developing countries. The Ministers called for an early, successful, comprehensive and balanced outcome of the Uruguay Round of Multilateral Trade Negotiations. To this end, they urged that developed countries should resolve their difficulties expeditiously and in a transparent manner, taking into account the concerns of the developing countries.

22. In spite of the bleak economic situation, the Ministers acknowledged the urgent need to take advantage of the emerging array of opportunities with a view to reinforcing the prospects for international cooperation for development. Rapid technological progress propels the globalization and interdependence of the world

economy and regional economic integrations. The Ministers noted with satisfaction the consensus reached at the Eighteenth Special Session of the General Assembly, the adoption of the International Development Strategy for the 1990s and the progress achieved in UNCTAD VIII as reflected in its final document "A New Partnership for Development : The Cartagena Commitments". If consistently pursued and implemented, these consensus agreements could facilitate the process to engage the developed North in a constructive dialogue on international cooperation for development based on equality, equity and mutuality of interests. In this connection, the Ministers expressed their support to the proposal of the UN Secretary-General for the convening of an international conference on development financing.

23. The rising expectations and demands of the international community for the enhancement of the quality of life and for social progress have assumed added urgency and importance. The Ministers pointed out that the protection of the environment, the promotion of economic growth and development and the eradication of poverty are mutually reinforcing and require a new global partnership. In this regard, they viewed the forthcoming United Nations Conference on Environment and Development in Rio de Janeiro in June 1992 as of historic importance, providing the occasion for Governments at the highest level to address the issue of environment and development in an integrated, comprehensive and balanced manner. They welcomed the Kuala Lumpur Declaration on Environment and Development which was unanimously adopted at the Second Ministerial Conference of Developing Countries on Environment and Development held in Kuala Lumpur on 26-29 April 1992 as reflecting the concerns and aspirations of the developing countries and contributing positively to the forthcoming Rio Summit. At the same time the Ministers urged international support for the convening of the World Summit on Social Development.

24. The Ministers expressed deep concern over the looming danger of hunger in Southern Africa caused by extensive drought. Taking note of the coordinated efforts made by the countries of the region through SADCC to avert this danger, the Ministers expressed their appreciation for the assistance so far rendered by some members of the international community and appealed for even more generous assistance by donors to shore up these efforts.

25. The Ministers reiterated that economic and technical cooperation among developing countries represent both an essential means for promoting economic growth and accelerating development and constitute a key element in efforts to restructure international economic relations on a more just and equitable basis. It could also open up new opportunities for enlarged trade, greater access to financial resources and enhanced technological capabilities, thereby augmenting their bargaining position *vis-a-vis* their partners in the developed countries. In this regard, the Ministers were determined to do their utmost to enhance and strengthen South-South cooperation in all fields. To this end, they felt the need to reactivate the mechanisms of such cooperation, i.e. the meetings of Coordinating Countries

**of the Action Programme for Economic Cooperation among Non-Aligned Countries
and the Standing Ministerial Committee for Economic Cooperation.**

26. The Ministers reiterated the universal validity of basic human rights and fundamental freedoms, including the right to development, as embodied in the Universal Declaration of Human Rights and other relevant international instruments such as the International Humanitarian Law, that serve as a common basis of respect for the dignity and integrity of man. The Ministers, however, noted the persistent side-tracking of economic, social and cultural aspects of human rights by some members of the international community, while invoking civil and political aspects of human rights as a conditionality for extending economic and social development assistance. These practices undermined the need for a balanced approach to human rights. Underlining the view that human rights expression and implementation at the national level is the responsibility of respective Governments, the Ministers stressed that efforts to promote human rights and fundamental freedoms could only succeed through international cooperation as provided for in the United Nations Charter and not through confrontation or imposition of incompatible values. The Ministers were of the view that the World Conference on Human Rights in 1993 must address all aspects of human rights and ensure a just and balanced approach thereto.

27. In accordance with the preparatory nature of the Meeting and with the aim of integrating the Movement as a vibrant and productive component in the mainstream of international cooperation, the Ministers agreed to submit to the Tenth Non-Aligned Conference of Heads of State or Government their recommendations for the Movement's contribution to the shaping of a just and equitable new world order. They also recommended that during the forthcoming Tenth Conference of Heads of State or Government of the Non-Aligned Countries in Jakarta in September 1992, the venue of the 11th Conference of Heads of State or Government of the Non-Aligned Countries will be decided.

28. The Ministers expressed their deep appreciation for the excellent arrangements made and the facilities provided, as well as for the warm and generous hospitality accorded by the Government and people of Indonesia.



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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

INTRODUCTION

1. The present report, submitted in accordance with Security Council resolution 729 (1992), describes the activities of the United Nations Observer Mission in El Salvador (ONUSAL) since the cease-fire between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) came formally into effect on 1 February 1992.

2. Mr. Iqbal Riza continues to serve as my Special Representative and Chief of Mission of ONUSAL. The Mission has been carrying out all the various verification tasks assigned to it in the agreements signed by the Government of El Salvador and the FMLN between 4 April 1990 and 16 January 1992. It has also used its good offices to help the two parties to overcome difficulties that have arisen in implementation of the agreements, in particular through promoting, and attending, meetings between them. In addition ONUSAL has been participating as an observer in the work of the National Commission for the Consolidation of Peace (COPAZ), whose composition and functions were defined in the New York Agreement of 25 September 1991. 1/

3. The work of the Mission is described below in eight sections devoted respectively to the verification of the cessation of the armed conflict; the Armed Forces of El Salvador; public security matters; economic and social matters; political participation by FMLN; the restoration of public administration in conflict zones; the judicial system; and the electoral system. ONUSAL's work in relation to the San José Agreement on Human Rights 2/ will continue to be the subject of a separate series of reports, the most recent of which was submitted to the General Assembly and the Security Council under my note of 19 February 1992. 3/

4. ONUSAL continues to be helped in its work by the four "Friends of the Secretary-General" (Colombia, Mexico, Spain and Venezuela) and by other interested Governments.

I. VERIFICATION OF THE CESSATION OF THE ARMED CONFLICT

A. Composition and tasks of the Military Division

5. The Military Division of ONUSAL, which is responsible for verifying the agreement on the cessation of the armed conflict, was established on 20 January 1992 and is under the command of Brigadier-General Victor Suanes Pardo (Spain). The Division, which began with an authorized strength of 380, currently has 292 military observers from Brazil, Canada, Colombia, Ecuador, India, Ireland, Norway, Spain, Sweden and Venezuela. In addition to the above, eight medical officers provided by Argentina assist ONUSAL in its mission. The Security Council has recently agreed to my recommendation that the Military Division should be retained at its current strength until 1 September 1992. 4/, 5/

6. The Military Division monitors the troops of the Armed Forces of El Salvador and FMLN at the locations where they have been concentrated in accordance with the Peace Agreement; 6/ verifies the inventories of weapons and personnel furnished by the two parties; authorizes and accompanies the movements of both forces; and receives and investigates complaints of violations. It is deployed among 4 regional military offices and 15 verification centres, as shown in the map annexed to the present report. The military observers constantly patrol, by air and land, the entire area under their responsibility.

B. Separation and concentration of forces

7. As stipulated in the Peace Agreement, a joint working group, consisting of the Chief Military Observer of ONUSAL as Chairman, one representative of the Government and one of FMLN, was established on 22 January 1992 to define precisely the designated locations for the two parties' troops and to deal with other aspects relating to the separation and concentration of the opposing forces.

8. Difficulties arose with regard to the definition of some of the 15 locations designated for the concentration of FMLN combatants. In two cases where it proved impossible to achieve an agreed definition, both the Government and FMLN accepted the delimitations determined by the Chief Military Observer, although the Government placed on record its objection to them. As indicated below, there have been difficulties with regard to the locations for the concentration of the troops of the Armed Forces of El Salvador. These have proved more difficult to resolve.

9. By 6 February, which marked the end of the first stage of the separation of forces, the Armed Forces of El Salvador had concentrated its troops at the 100 locations designated in the Peace Agreement. By 2 March, the end of the second stage, the majority of the troops of the Armed Forces of El Salvador had been concentrated at the 62 designated locations. However, at that time the Armed Forces of El Salvador also remained at about 16 additional

locations, on the grounds that they were necessary to protect installations of national importance and, at 2 others, on the grounds of lack of space to accommodate all the concentrated personnel. This was not in conformity with the Agreement. ONUSAL accordingly pressed the Armed Forces of El Salvador to withdraw and they gradually did so. By 25 May 1992 they remained at only one disputed location, other than the two mentioned in paragraph 10 below. ONUSAL continues its efforts to resolve this problem.

10. Considerable difficulties have arisen over the two public security bodies, the Treasury Police and the National Guard, which, under the Peace Agreement, were supposed to be abolished by 1 March 1992, with their members being incorporated into the Army. These difficulties, which are described more fully in section II below, have contributed to the failure to complete the concentration of the two sides' troops in accordance with the Peace Agreement. This is because, for several weeks after their incorporation into the Army, the ex-members of these two bodies remained in their original barracks, even though these were not included in the 62 locations designated for the Armed Forces of El Salvador. This was denounced as a violation of the Peace Agreement by FMLN, which refused to complete concentration of its own forces until the problem was resolved. By 23 April the majority of the ex-Treasury Police and ex-National Guard personnel had been moved into the 62 locations of the Armed Forces of El Salvador but some 3,500 of them remained at the two ex-bodies' headquarters in San Salvador, neither of which is included in the 62 locations. This problem remains unresolved.

11. As for FMLN, its forces had, by 6 February, concentrated at the 50 locations designated for the first stage. FMLN did not, however, complete its second stage concentration by the due date of 2 March. It cited lack of infrastructure at the agreed locations and failure by the Government to comply with other provisions of the Agreement. A series of further deadlines were established but not observed, with FMLN continuing to insist that it would complete its concentration only when the Armed Forces of El Salvador completed their own. A further delay arose in late April when FMLN objected to a law adopted by the Legislative Assembly on the night of 23-24 April concerning the Treasury Police and National Guard (see para. 17 below). At the time of writing the present report, some 8 per cent of FMLN combatants have yet to complete their concentration at the agreed locations. These include combatants who, during the conflict, had belonged to "Committees for Citizen Security" and who still remain at 11 locations. Both sides have assured ONUSAL that, despite these delays, they are committed to comply with their obligations. ONUSAL continues its efforts to resolve this problem, which has had a negative impact on the atmosphere for the implementation of the Agreements as a whole.

C. Inventories of troop strengths and armaments

12. Under the Peace Agreement both sides were obliged to submit, by 23 January, detailed information on the number of their troops and armaments to the Chief Military Observer of ONUSAL. With regard to FMLN, this was done

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on time and without incident. However, ONUSAL has serious doubts as to whether the number, quality and age of the weapons declared and presented accurately reflect FMLN's true holdings. FMLN has been repeatedly informed, both in El Salvador and in New York, of these doubts, but it continues to insist that the information provided is accurate.

13. Difficulties also arose over the inventories submitted by the Armed Forces of El Salvador, as some unit commanders maintained that the Agreement did not cover the personnel or weapons of permanent garrisons that were not being moved. ONUSAL clarified that the required information must include all the personnel and armaments to be concentrated, including those already present at some of the locations when the process began. However, there was considerable delay before ONUSAL received all the relevant information. The last inventory was submitted by the Armed Forces of El Salvador on 27 March 1992 and has been verified by ONUSAL.

D. Logistical situation in the areas of FMLN concentration

14. At the beginning of February ONUSAL was asked to help to provide logistical assistance at the 15 areas designated for the concentration of FMLN troops. A coordination mechanism was accordingly established with the United Nations Development Programme (UNDP), which appealed to the international community for funding. Simultaneously, other agencies of the United Nations system, such as the World Food Programme (WFP), the World Health Organization (WHO), working through the Pan American Health Organization (PAHO), and the United Nations Educational, Scientific and Cultural Organization (UNESCO), contributed support in their respective fields of competence. Non-governmental organizations (NGOs) also cooperated, especially Médecins sans Frontières and Caritas Internationalis of El Salvador. The Government, for its part, facilitated these efforts, which included the supply of water, food and shelter, improvement of the road network and assistance in health and education. This collaborative effort is achieving good results with the generous support of the Governments of Canada, Denmark, Japan, Norway, Sweden and the United States of America, and of the European Economic Community.

E. Reintegration of FMLN ex-combatants

15. Under the Peace Agreement at least 20 per cent of FMLN ex-combatants were to have been reintegrated "within a framework of full legality, into the civil, political and institutional life of the country" on 1 May. FMLN has not complied with this provision, citing, *inter alia*, the Government's delay in implementing those aspects of the Agreement that would facilitate the reintegration of ex-combatants into civilian life, notably those relating to land, the formation of the new National Civil Police and political activity by FMLN. This renders urgent the need to give effect to the relevant aspects of the Agreements. ONUSAL and UNDP have therefore been urging the Government to ensure that these are implemented in accordance with the agreed timetable and that a special effort be made to catch up on delays that have already

occurred. ONUSAL has equally urged FMLN to cooperate with the Government in this work.

II. ARMED FORCES OF EL SALVADOR

16. The Legislative Assembly has adhered to the agreed timetable for approving constitutional reforms affecting the Armed Forces of El Salvador and for the suspension of forcible recruitment as of 1 February. Action has also been taken to give legal form and force to the ad hoc Commission on the purification of the Armed Forces of El Salvador. ONUSAL has been in touch with the members of the Commission to cooperate in planning that body's future activities.

17. On 1 March 1992, the Government announced that the Treasury Police and National Guard were being converted into Military Police and Frontier Guards, respectively, and this change was duly effected at ceremonies on 2 March. This action elicited negative reactions from many who saw in it more a change of form than the substantive change called for in the Agreement. ONUSAL asked the Government for information on how many members of the two former public security bodies were being transferred to the Army, how many were being assigned to new duties as Military Police or Frontier Guards, and how many were being discharged. While ONUSAL was awaiting this information, the Government created further misgivings by securing rapid adoption in the Assembly of legislation that did not clearly abolish the Treasury Police and National Guard. ONUSAL has made it clear to the Government that the law, as adopted, does not comply with the Agreement. The Government has stated that further legislative steps will be taken to abolish the Treasury Police and the National Guard. ONUSAL has asked for clarification of what is intended. This is another matter that has had a negative effect on the atmosphere for implementation of the Agreements as a whole.

18. The preliminary draft legislation on military and armed forces reserve service was submitted to the Legislative Assembly on 7 April. However, some work remains to be done to bring the draft fully into line with the provisions of the Peace Agreement.

19. With regard to the paramilitary bodies mentioned in the Peace Agreement, the civil defence units were registered and located in accordance with the plan presented by the Joint Chiefs of Staff of the Armed Forces. The implementation of the Agreement on this issue has begun and is being verified by ONUSAL. ONUSAL has also requested the Armed Forces of El Salvador to provide details about personnel in the territorial service system, especially the so-called "escultas militares" or "patrullas cantonales". Several related deadlines have expired and ONUSAL is awaiting information from the Government in this regard. Similarly, while permits enabling individuals to carry military weapons for private use have been suspended or cancelled, no details are available on how such weapons are to be recalled. That process was to have started on 2 March and is to be completed by 28 October.

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20. As regards the reduction of the armed forces, a timetable was submitted by the Government to the Secretary-General who, as stipulated in the Agreement, duly informed FMLN. This reduction process is to be supervised by ONUSAL on the basis of information that is being obtained from the Government.

III. PUBLIC SECURITY MATTERS

21. The creation of a new police force, completely civilian in its membership and command, is one of the fundamental components of the Peace Agreement. Under the Agreement this new force, the National Civil Police, is to replace the three existing public security bodies. As reported above, two of these, the National Guard and the Treasury Police, were to be abolished as public security forces and their members incorporated into the Army, although some doubts have arisen as to the adequacy of the Government's compliance with this provision. The third, the National Police, is to continue to operate during the transitional period but will be progressively replaced by the new National Civil Police. Meanwhile the National Police is being closely monitored by the Police Division of ONUSAL.

22. The Division consists mostly of specialists from countries experienced in the organization and operation of civilian police forces. The observers are from Austria, Chile, France, Guyana, Italy, Mexico, Norway, Spain and Sweden, under the command of General Homero Vaz Bresque (Uruguay). The Division currently has 304 of the 631 observers authorized.

23. The deployment of police observers throughout the territory of El Salvador began on 7 February 1992. They are currently deployed among six regional offices and four regional sub-offices, from where they monitor National Police activities through visits and day and night patrols, which average 100 daily. In order to ensure that the National Police functions as the sole body responsible for law and order pending the full deployment of the new National Civil Police and to ensure that the transition from one to the other takes place smoothly, the Division lends its support to the police authorities and accompanies police officials and officers as they discharge their duties.

A. Establishment of the National Civil Police

24. In order to proceed with the organization of the National Civil Police, the President of the Republic, after consulting with FMLN through the United Nations, selected a Coordinator on 28 December 1991. Although this took place ahead of schedule, other measures have been subject to delays of varying durations: on 10 February 1992 (10 days late), COPAZ appointed the eight members of its Subcommission on the National Civil Police; the President of the Republic, choosing from lists submitted by COPAZ, appointed the Director-General and the members of the Academic Council of the new National Academy for Public Security on 20 March (5 days late) and 26 March (11 days late), respectively. The preparation by the Subcommission of the draft laws

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relating to the Academy and the National Civil Police was also delayed and, whereas the former was adopted by the Legislative Assembly on 2 April 1992, full discussion of the latter by COPAZ is still pending. Since under the Peace Agreement all the members of the National Civil Police must be graduates of the Academy, it is a matter of extreme urgency that the latter begin operating without delay. Another most serious delay has been in the appointment of the Director-General of the National Civil Police, which was supposed to take place by 2 March 1992 but is still awaited. It had originally been envisaged that the Coordinator would be quickly confirmed as Director-General, which would have enabled him to take concrete and effective steps towards the establishment of the National Civil Police and thus avoid the unfortunate delays that have occurred.

25. To assist in the establishment and operation of the Academy during its first two years, a technical mission of experts from Spain and the United States, headed by the UNDP Resident Representative in El Salvador, has been in the country since 3 March 1992. Since the mission operates in the framework of the joint activities of UNDP and the Government of El Salvador for the establishment and operation of the Academy, it has been working with a government team.

26. FMLN has pointed out that, as one of the parties to the Peace Agreement, its views on matters relating to the Academy should also be taken into consideration. ONUSAL and UNDP have now ascertained FMLN's views. They are being transmitted to the Academic Council which is the body overseeing the establishment of the Academy.

27. It is intended that, in the first two years, the Academy will train 5,700 new police officers at the basic level and 240 at the executive and senior levels and that, during the following five years, the corresponding numbers will reach some 10,000 and 500 respectively. This will require a sizeable budget, to which the Governments of Spain and the United States have already expressed their willingness to contribute. The generous financial support of other members of the international community will also be needed.

28. The Government of El Salvador has committed itself to providing premises for the Academy, together with the necessary infrastructure for its operation. The United Nations asked that the Academy should be installed either in the headquarters of the Atlacatl Rapid Deployment Infantry Battalion or in the current Military Academy, which was originally the Academy for Public Security and which was taken over by the Army in December 1991. However, after considerable delays, the Government declined to make either of these sites available and suggested a number of alternatives. Of these, the technical mission has chosen the headquarters of the Bracamonte Rapid Deployment Infantry Battalion, which is to be disbanded under the Peace Agreement. These premises were initially to be made available in late May 1992 but this has been postponed to the end of July 1992. The technical mission has accordingly suggested that the Academy operate provisionally on the premises of the Technical Centre for Police Training, which are to become available in late May, although the latest indications are that it will not be

possible to begin tuition until early July. Under this procedure, the Academy would be obliged to reduce the number of recruits from 330 to 270 a month until it can use the Bracamonte premises. From then on, the Technical Centre for Police Training premises would be used exclusively for the training of executive and senior officers. FMLN has expressed strong objections to this approach. ONUSAL has urged the Government to ensure that the training of police personnel at all levels begin simultaneously. It is still awaiting a response.

29. Disagreement has also arisen over whether former members of the Treasury Police and the National Guard may be admitted to the Academy. The Government maintains that both categories could eventually be eligible provided the personnel concerned were properly discharged and had become civilians. ONUSAL views this position as contrary to the Agreement's concept of a completely new civilian police force which would replace the previous military public security bodies. The Government has given assurances that it will not present former members of the two bodies as candidates in the immediate future.

B. Transfer of ex-Treasury Police and ex-National Guard personnel to the National Police

30. It is generally acknowledged that common crime has recently increased in El Salvador and that, following the transfer of the members of the Treasury Police and the National Guard to the Army, the National Police does not have sufficient human and material resources to combat it. On this basis, the Government has transferred large numbers of personnel from the two former public security bodies to the National Police on the grounds that its responsibility for public security gives it no alternative. The Government argues that there is no express prohibition of this in the Agreements. ONUSAL has made it clear that in its view this argument is irreconcilable with the whole thrust of the Agreements, which is to replace the existing public security bodies with a new civilian police force. The first step in this process was precisely the disbanding and abolition of the Treasury Police and the National Guard. To reassign their ex-members to law and order functions thus runs directly counter to the Agreements. ONUSAL has asked for details of the personnel concerned so that it can closely monitor their activities in the National Police.

IV. ECONOMIC AND SOCIAL MATTERS

A. Land-tenure system

31. The complex agrarian problem in El Salvador has deep-seated historical roots that the present report does not attempt to analyse. It has, however, been recognised as one of the main causes of the armed conflict, as a result of which many properties were abandoned and the inhabitants of many rural areas displaced. It is estimated that about half a million persons were displaced persons and approximately 45,000 became refugees. Many of the

displaced persons have settled in communities, some of them on abandoned lands. These flows of population, along with other phenomena associated with the war, have altered the pattern of land ownership in the conflict zones.

32. The subject of land was taken up in the New York Agreement of 25 September 1991, and again in the Peace Agreement of 16 January 1992, in which reference is also made to an agreement signed between the Government and peasant organizations on 3 July 1991. The Peace Agreement stipulates that, pending agreement on various issues under this item, the current land-tenure situation will be respected in former conflict zones and landholders will not be evicted. It also assigns to COPAZ the task of verifying the implementation of the provisions relating to these issues through a special commission. The Special Commission, which has the same composition as COPAZ, took up the problem of land tenure in the conflict zones one week later than called for in the implementation timetable. One of the difficulties it faces is that the Peace Agreement does not define the conflict zones.

33. The months of February and early March saw a continuation in the countryside of the tension that had begun there after the signing of the New York Agreement. Various peasant groups seized properties in a number of departments and many were evicted by the public security bodies, in some cases with the support of the armed forces and without a court order. These actions gave rise to insecurity and concern among FMLN combatants who were awaiting concentration at the designated locations. On 15 February, COPAZ appealed to both peasants and landowners to permit the operation of the conflict-resolution mechanisms envisaged in the agreements. This appeal, however, was only partially successful as further occupations took place and landowners initiated lawsuits demanding that their properties be vacated and the institutional framework respected. These developments affected properties in and outside the conflict zones.

34. Subsequent efforts by ONUSAL, on the basis of the appeal made by COPAZ, to freeze the situation with regard to land occupations and evictions were unsuccessful. As this was affecting the atmosphere for the implementation of the agreements as a whole, and at the request of both the Government and FMLN, I sent Mr. Marrack Goulding, Under-Secretary-General for Peace-keeping Operations, to El Salvador to examine with the parties how to restore the necessary climate of trust. In the course of his visit, from 11 to 14 March 1992, Mr. Goulding and Mr. Riza had several meetings with the President of the Republic and his advisers and with the General Command of FMLN. At a final joint meeting on 13 March it was agreed that land seizures and evictions would be suspended in order to facilitate the processing of the cases submitted to the Special Commission of COPAZ. In addition, consultation mechanisms were established between the Government and FMLN, with the good offices of ONUSAL, to devise pragmatic solutions to these cases. These mechanisms are working, and it is to be hoped that the goodwill expressed by both parties at recent high-level joint meetings convened under the good offices of ONUSAL will be translated into an early solution of this problem.

B. Forum for Economic and Social Consultation

35. The convening of the Forum for Economic and Social Consultation had been scheduled for 15 February. To that end, COPAZ invited the leaders of the most representative business and labour organizations to participate in a discussion, inter alia, on the composition and organization of the Forum.

36. During the meetings which, owing to the very full COPAZ schedule, did not begin until 26 February, the business representatives publicly expressed their concern with what they described as the climate of insecurity resulting from land seizures and labour conflicts. On 23 March, at a meeting of the World Bank Advisory Group in Washington, in which representatives of the Government, FMLN and the political parties participated, the Director of the National Private Enterprise Association indicated that he would participate in the Forum, which COPAZ then convened for 11 May. Subsequently, however, the National Private Enterprise Association informed COPAZ that it would postpone its participation. Given the Forum's responsibilities under the Agreement for securing agreements on the economic and social development of the country, the prompt and full participation of all sectors is essential.

C. National reconstruction plan

37. The Government submitted the national reconstruction plan to FMLN on time, for its suggestions. In addition to projects for the rebuilding of infrastructure in the municipalities affected by the conflict and for production schemes, agreement was reached on making funds available for the strengthening of the democratic institutions provided for in the Agreement and for technical assistance. In order to obtain the additional funds needed for its implementation, the plan was presented at the meeting of the World Bank Advisory Group referred to above and received a positive response from the international community. Despite reservations in certain sectors, the implementation of a small number of projects has begun with the Government's own resources, pending the receipt of the external assistance that has been pledged. The Government has said that, for the plan to become fully operational, public administration must be restored in the conflict zones.

38. Another important aspect is the formulation of programmes to promote the reintegration of ex-combatants of both sides into civilian life. The delay in establishing such programmes is cited by FMLN as another factor in its decision to postpone the reintegration of the first contingent of its combat personnel.

V. POLITICAL PARTICIPATION BY FMLN

39. On 23 January 1992, the Legislative Assembly of El Salvador adopted a law on national reconciliation granting amnesty for political crimes and offences under ordinary law, with the exception of cases within the purview of the Commission on the Truth or those committed by individuals already convicted in

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a jury trial. The measure applies to FMLN leaders who are members of COPAZ, as well as those who are members of other bodies dealing with the implementation of the Agreements. Also amnestied are non-combatant members of FMLN, war-wounded persons living outside the country and those detained for political offences. The amnesty does not extend to those members of FMLN who, under the Peace Agreement, have been temporarily concentrated with their arms, at designated locations. The law does provide, however, that any criminal or civil action against such individuals for acts covered by the amnesty shall be suspended.

40. The adoption of the law on reconciliation has enabled the members of the General Command and other FMLN leaders to re-enter El Salvador legally. Since their return, they have had freedom of movement and ample access to the mass media, and they have obtained licences for two radio stations and one television channel. On 1 February, the FMLN representatives in the recently formed COPAZ swore allegiance to the Constitution together with the other members of that body. Political detainees have been released, with the exceptions provided for in the law on national reconciliation.

41. The returning FMLN leaders, their safety guaranteed by the Government, were accompanied during the first few days by members of the National Police and were allowed, under the terms of the Agreement, to make arrangements for personal bodyguards. The support of the representatives in El Salvador of the four "Friends of the Secretary-General" in this process was of great importance, as was the assistance provided by several other Governments, notably those of Brazil, Chile, France, Nicaragua and the United Kingdom of Great Britain and Northern Ireland. Some problems have nevertheless arisen over various aspects of the security of FMLN leaders. Efforts are being made by ONUSAL with the government authorities to streamline the relevant procedures. At the same time, COPAZ is examining this question and has stated its intention to promote the legislative or other steps that may be necessary.

42. According to the Peace Agreement, the Government was to have promoted a decree for the legalization of FMLN as a political party in the Legislative Assembly starting on 1 May 1992. The Government has informed ONUSAL that, rather than present a draft decree - which, in its view, would provoke a strong debate - it needed to prepare the ground to ensure a consensus in the Assembly. It has since contacted various political parties to that effect.

43. Prior to 1 May 1992, ONUSAL had taken up with FMLN occasional complaints by the Government that FMLN was violating the Agreement by setting up offices at various locations and by other political activities by its leaders and other personnel, especially ex-combatants concentrated in the designated locations. Since 1 May 1992, however, the Government has indicated that, while the process of legalization is proceeding, FMLN can take steps to organize itself as a party. For its part, FMLN urges quick action by the Government, arguing that until it is legalized it will be hindered in its political activities. Nevertheless, a rally by FMLN to launch itself as a political party took place without incident on 23 May 1992.

44. The Government has shown its willingness to facilitate the return of the war-wounded currently outside the country through the Office of the United Nations High Commissioner for Refugees (UNHCR). Among those expected to return are a number of individuals living in Cuba, whose repatriation has been delayed because Cuba and El Salvador do not have diplomatic relations. UNHCR is attempting to solve the problem with the cooperation of a third country acting as intermediary.

VI. RESTORATION OF PUBLIC ADMINISTRATION IN CONFLICT ZONES

45. Following the entry into force of the cease-fire agreement, restoration of public administration in conflict zones began gradually, in most cases in consultation with ONUSAL, at a pace that varied from region to region. In some locations, judges and mayors returned without any difficulty, although some are now facing problems in carrying out their functions as a result of inadequate infrastructure or lack of support and cooperation from the community and NGOs. In other locations, judges and mayors have been unable to return because of opposition from FMLN, the community and NGOs and the absence of communication with such groups which is necessary to facilitate the restoration process. Sixty-eight of the 262 mayors elected in El Salvador in 1991 had been forced by the conflict to operate away from their municipalities; some 24 of them have now returned.

46. ONUSAL is convinced that the return of judges and mayors and their effective functioning can succeed only in a context of open dialogue between local authorities and the bodies that performed the functions of local government during the armed conflict. Not only will such dialogue guarantee peace and reconciliation in the zones most severely affected by the armed conflict, but it will permit local consultation mechanisms to revive and ensure broad community participation in municipal government, without adversely affecting the institutional framework. ONUSAL has called upon the parties to show the greatest possible flexibility and is working at the regional level to promote a consensus in the various locations affected.

VII. JUDICIAL SYSTEM

47. The measures provided in the Peace Agreement concerning this subject and their implementation according to the agreed timetable will be discussed in future reports of the ONUSAL Human Rights Division, in keeping with the mandate given to it by the San José Agreement to "offer its support to the judicial authorities of El Salvador in order to help improve the judicial procedures for the protection of human rights and increase respect for the rules of due process of law". 7/

48. Meanwhile COPAZ and the Legislative Assembly have approved, prior to the prescribed date, the law establishing the Office of the National Counsel for the Defence of Human Rights. The Counsel has been appointed, but his office is not yet fully functional owing to the fact that the budget has only

recently been approved. In addition to the resources provided by the Government of El Salvador, it is hoped that additional financial assistance will be made available by Governments and international bodies.

VIII. ELECTORAL SYSTEM

49. As stipulated in the Mexico Agreements of 27 April 1991, 8/ COPAZ appointed a Special Commission on this issue, which will study the preliminary draft amendments to the Electoral Code. Subsequently, the Legislative Assembly appointed, with some delay, the Supreme Electoral Tribunal, which will have as its main task the preparation of the 1994 legislative and presidential elections.

IX. FINANCIAL ASPECTS

50. The General Assembly by its resolution 46/240 of 22 May 1992 appropriated an amount of \$39 million gross (\$37 million net) for the operation of ONUSAL for the period from 1 January to 31 October 1992. This appropriation includes provision for the expanded mandate of ONUSAL based on Security Council resolution 729 (1992).

51. As at 26 May 1992, unpaid assessed contributions to the ONUSAL special account for the first six months from 1 July to 31 December 1991 amounted to \$1.98 million.

X. OBSERVATIONS

52. The agreements that the Government and FMLN signed, under the auspices of the United Nations, between 4 April 1990 and 16 January 1992, established the framework for implementation of the political understandings between them. The goal is to end 12 years of civil conflict, consolidate peace in El Salvador and return to a normal political process, which should culminate in 1994 in free and fair elections with broad participation. This process is not an easy one. The agreements are complex and demand a commitment to compromise and fundamental adjustments in political and social attitudes. Nor are they self-executing. The United Nations is committed to assist the two parties but success will be assured only by their political will and their acceptance of national reconciliation as the overriding national goal.

53. The Government and FMLN are to be commended for their success in maintaining the cease-fire, which has not once been broken. Nor has there been any major incident to threaten this fragile first phase of national reconciliation. There have, however, been some serious delays in implementing various provisions of the agreements and these have undermined each side's confidence in the other's good faith.

54. I am particularly concerned by the continuing failure of both sides to concentrate all their forces in the designated locations, which was supposed to have been completed by 2 March 1992, i.e. almost three months ago. On the Government's side, substantial numbers of armed personnel are still outside the designated locations at the headquarters of the former National Guard and Treasury Police. FMLN's failure to concentrate its remaining forces is equally unacceptable. It is essential that both parties comply, independently and without further delay, with their respective obligations. I have also expressed to FMUN my doubts about whether the inventories of arms that it has presented to ONUSAL accurately reflect its true holdings. Suspicions that FMLN is retaining clandestine caches of arms and ammunition have had a destabilizing effect on the whole implementation process.

55. Other sources of serious concern are the Government's failure to establish the National Public Security Academy and begin recruitment for the National Civil Police on the programmed date of 1 May 1992 and FMLN's failure, on the same date, to return the first 20 per cent of its combatants to civilian life. 1 May 1992 was also the date on which the Government was supposed to begin promoting legislation to legalize FMLN as a political party. ONUSAL has from the outset taken the position that one breach of the agreements cannot be used to justify another. It cannot, however, be ignored that the timetable for implementation, contained in chapter IX of the Peace Agreement, does not constitute a haphazard sequence of actions that can easily be altered. It is, on the contrary, an intricately designed and carefully negotiated mechanism whose purpose is to synchronize (a) the reintegration of FMLN's ex-combatants into civilian life and (b) the measures that the Government has committed itself to undertake in order to facilitate that process, especially as regards agriculture, political activity and recruitment into the National Civil Police. It is for this reason that the delays that have occurred on these latter issues arouse such serious concern.

56. In other cases implementation has been impeded by the two parties' contradictory interpretations of specific provisions in the agreements. This has sometimes led them to exchange public accusations rather than working together, with the good offices of ONUSAL, to find practical and pragmatic ways of putting the agreements into effect by honouring their spirit rather than insisting on legalistic interpretations of their letter. This has been a particular problem in relation to land tenure, which was one of the main roots of the conflict. Notwithstanding the role assigned to COPAZ by the agreements, which COPAZ has not been able to discharge in full, ONUSAL has, at the request of the parties, used its good offices to help the two sides to tackle the land issue in a constructive spirit at the highest level. I am grateful to both sides for honouring the commitments they gave in March to halt occupations of, and evictions from, lands while a pragmatic solution is sought to this problem.

57. There are other issues on which a similarly restrained and pragmatic search for solutions is needed. These include the restoration of public administration in zones of former conflict and certain questions relating to the former Treasury Police and National Guard. It was agreed in the

negotiations that these two bodies would be dissolved and would exercise no further public security functions. Their personnel, after being transferred to the Armed Forces, were to be included in the reduction of those forces. As already stated in this report, the manner in which these two bodies were dissolved and the subsequent induction of some of their ex-members into the National Police have raised serious questions about whether the Government has complied with the agreements on these points.

58. The present report gives an idea of the complex, varied and delicate nature of the verification tasks entrusted to ONUSAL. In addition to its specific verification responsibilities, ONUSAL is also exercising its good offices to help the parties to implement the agreements. In these endeavours, it receives valuable support from the four "Friends of the Secretary-General", as well as others who are in a position to help.

59. ONUSAL is operating in an atmosphere of deep distrust, which may be an inevitable consequence of a long and bitter conflict. Its insistence on maintaining its impartiality is sometimes misperceived by each side as being partiality towards the other. In this context, I regret to have to report to the Security Council that there has recently been a recurrence of threats against the security of the Mission and its personnel. 2/ The Salvadorian authorities have been informed and I am confident that they will succeed in identifying the authors of these threats, which until now have been anonymous, and in preventing any hostile acts against the Mission's personnel.

60. In telephone conversations on 15 May 1992, after I had reviewed a first draft of the present report, I spoke to President Cristiani of El Salvador and to Mr. Schafik Handal of the General Command of FMLN about my concerns at both sides' failure to comply fully with the timetable established by the agreements, making special reference to the points mentioned in the preceding paragraphs. President Cristiani told me that the two sides were meeting regularly in order to establish a timetable for recovering the time lost. He gave me an assurance that everything that had been delayed would be put back on track and described various steps he had taken to that end. Mr. Handal also spoke of the meetings between the two sides to set new deadlines for implementation of various points in the agreements. He said that FMLN's admitted failures to comply with the existing timetable were due to the Government's non-compliance with many of its commitments. FMLN would have no problem in complying with the timetable, without waiting for the Government to do so, if it was given assurances that third parties would ensure that the Government also would comply. Mr. Handal assured me that FMLN was participating seriously in the meetings with the Government; it wanted to adhere to the existing agreements and not renegotiate them. I assured both my interlocutors of my steadfast support for the agreements and my readiness to do all I could to help both sides to implement them. I said that I would refer in this report to what they had said and looked forward to being able to state in the next report that the process was indeed back on course.

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61. In conclusion, I should like to pay tribute to my Special Representative, Mr. Iqbal Riza, and to all the personnel of ONUSAL who, under his leadership, are tackling with perseverance and courage the difficult but noble task of helping to establish a just and lasting peace in El Salvador.

Notes

- 1/ S/23082.
- 2/ S/21541, annex.
- 3/ S/23580.
- 4/ S/23987.
- 5/ S/23988.
- 6/ S/23501, annex.
- 7/ S/21541, annex, para. 14 (h).
- 8/ S/23130, annex.
- 9/ S/22494, para. 6.



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S/23999/Add.1
19 June 1992

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

Addendum

1. In my report of 26 May 1992 (S/23999, para. 60), I informed the Security Council of my conversations earlier that month with President Cristiani and Mr. Handal of the General Command of the Frente Farabundo Martí para la Liberación Nacional (FMLN) about my concerns at both sides' failure to comply fully with the timetable established by the Peace Agreement of 16 January 1992. ^{1/} As I reported to the Council, both had assured me that they were making efforts to bring back on course the process of implementing the agreements signed by them.

2. It is my pleasure to report to the Security Council that, in discussions conducted in recent days with the assistance of the good offices of the United Nations Observer Mission in El Salvador (ONUSAL), both parties have now resolved the issues that had delayed the implementation process. Certain of the dates mentioned in the implementation timetable of the Peace Agreement, which had not been complied with, have been readjusted, in accordance with the provisions of the timetable itself.

3. These arrangements, which were finalized on 12 June 1992, provide for the completion of the following steps, envisaged in the Peace Agreement, on the rescheduled dates indicated:

(a) By 25 June, the forces of both sides will have been fully concentrated at the locations designated for them;

(b) By 30 June, the first contingent of former FMLN combatants will commence their reintegration into civilian life. The reintegration process of all former FMLN combatants will be completed by 31 October 1992, as provided for in the timetable;

(c) Within 15 days after 30 June, the National Academy for Public Security will commence its first course for training recruits for the new National Civil Police, including personnel from the present National Police and former FMLN combatants in agreed proportions;

(d) By 30 June, the Government will present to the Legislative Assembly a bill for the definitive abolition of the National Guard and Treasury Police and will establish a "Special Brigade for Military Security" which will consist of a unit for frontier protection duties and a unit for military police duties. The Special Brigade will have no public security responsibilities in the civilian sphere. Personnel of the former National Guard and Treasury Police will not be eligible for recruitment into the new National Civil Police and there will be no further transfers of such personnel into the present National Police;

(e) By 30 June, the Government will propose to the Legislative Assembly reforms to the Electoral Code in order to facilitate the legalization of FMLN as a political party;

(f) By 15 July, the Government will finalize programmes to facilitate the reintegration of the former FMLN combatants into civilian life, providing contingency plans to benefit those who reintegrate before that date;

(g) By 30 June, the verification of the inventory of lands presented by FMLN to the National Commission for the Consolidation of Peace (COPAZ) will commence, certain properties being given priority owing to their being subject to legal process.

4. I should like to express to the Government of El Salvador and to the leadership of FMLN my profound satisfaction at the constructive spirit in which they have resolved the impasse that was holding up progress in the implementation of the Peace Agreement. I am confident that they will continue to demonstrate the same positive and pragmatic approach in the implementation of their remaining commitments under the Agreement.

Notes

1/ S/23501, annex.



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S/24000
26 May 1992

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PURSUANT TO
SECURITY COUNCIL RESOLUTION 752 (1992)

INTRODUCTION

1. The present report is submitted to the Security Council pursuant to paragraph 9 of its resolution 752 (1992), in which the Council requested me to keep under active review the feasibility of protecting international humanitarian relief programmes in Bosnia and Herzegovina, including the option mentioned in paragraph 29 of my report (S/23900), as well as the feasibility of "ensuring safe and secure access to Sarajevo airport". The Council requested me to report to it by 26 May 1992.

2. Since that request was made, there has been discussion of the possibility of action by the Security Council to take action under chapter VII of the Charter of the United Nations against the authorities in Belgrade and one Member State has proposed an urgent formal meeting of the Council with this end in view (S/23997). The present report responds only to the request in paragraph 9 of resolution 752 (1992) and does not examine the implications that the possible imposition of sanctions might have for the humanitarian situation in Bosnia and Herzegovina. Nor does it deal with the questions raised in paragraph 4 of resolution 752 (1992), which are under active study and on which I shall shortly present a separate report.

3. In the light of this request, I have conducted further consultations with the Emergency Relief Coordinator, the United Nations High Commissioner for Refugees, the Commander of the United Nations Protection Force in Yugoslavia (UNPROFOR) and representatives of the International Committee of the Red Cross (ICRC).

I. HUMANITARIAN SITUATION IN BOSNIA AND HERZEGOVINA

4. The following paragraphs provide a factual summary of present humanitarian conditions in Bosnia and Herzegovina and of attempts by international organizations to provide emergency relief.

5. Reports from the region, including those from the Office of the United Nations High Commissioner for Refugees (UNHCR), indicate that the devastation of Bosnia and Herzegovina continues, and that the displacement of the civilian population from its towns and villages is proceeding on a scale not seen in Europe since the Second World War. Many reports bear witness to the fact that even basic humanitarian rules for the protection of the civilian population in armed conflicts are being seriously violated.

6. In my last report, which was dated 12 May 1992 (S/23900), it was indicated that over 520,000 persons had been displaced in Bosnia and Herzegovina. While it has not been possible to obtain reliable up-to-date figures, it is clear that displacements have continued on a massive scale and the number of displaced persons must have increased substantially during the last two weeks. There has also been a grievous deterioration in the plight of civilians trapped in cities besieged by various irregular forces and in some cases also by the Yugoslav People's Army (JNA). The situation has been further complicated by repeated failures to implement agreements for the safe withdrawal of JNA troops surrounded by Bosnian territorial forces in Sarajevo.

7. In Sarajevo alone, excluding those whom it is believed receive supplies with the cooperation of Serb forces, it is estimated that from 300,000 to 400,000 people are in need of emergency relief.

8. Convoys organized by UNHCR and carrying humanitarian relief supplies have until recently successfully made deliveries to areas of Bosnia and Herzegovina, including Sarajevo. However, the deteriorating security situation in and around Sarajevo has latterly prevented UNHCR from continuing delivery of assistance to and from that city. Relief deliveries to other areas in Bosnia have instead been organized from Zagreb to the towns of Cazin, Bihac, Banja Luka and Dobo, and from Belgrade to the town of Tuzla. These deliveries were made after protracted negotiations for safe and unhindered passage with all regular and irregular forces and other parties in the areas concerned. Nevertheless, the convoys have been stopped at roadblocks and allowed to continue only after further negotiations. When attempting to deliver relief supplies to Tesanj and Zenica on 22 May 1992, UNHCR encountered major difficulties, as a consequence of which 12 trucks, with their contents of humanitarian relief items, were commandeered by local armed elements. After long and arduous negotiations with the Serbian authorities in Pale, Belgrade and Banja Luka, the 12 trucks were returned to UNHCR in Banja Luka. Following this sign of good will UNHCR hopes to be able to resume its relief activities in Bosnia and Herzegovina.

9. As for ICRC, the intensification of the conflict and the simultaneous deterioration of the general security situation have seriously hindered its activities. Following the attack on an ICRC convoy on 18 May 1992 at Sarajevo leading to the death of one of its delegates, the institution is reassessing its plan of action in Bosnia and Herzegovina. From 21 to 23 May 1992, plenipotentiary representatives of all parties to the conflict met at Geneva under the auspices of ICRC and signed an agreement on the application of the basic principles of humanitarian law in the present conflict. Practical

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measures to ensure the application in the field of the provisions contained in the agreement are presently being worked out by ICRC. ICRC now has some 20 delegates in Bosnia and Herzegovina whose main activities include visits to some 1,500 prisoners, participation in the release of prisoners, the provision of relief and medical supplies and the exchange of Red Cross family messages. ICRC escorts ambulances on the war front and recovers war dead. It is also involved in the evacuation of specially vulnerable groups, such as wounded, sick and handicapped people.

10. As for UNPROFOR, about two thirds of its headquarters personnel were temporarily relocated from Sarajevo on 16 and 17 May 1992. The military observers deployed in the Mostar region left the area on 14 May 1992, when risks to their lives reached an unacceptable level, and have been redeployed in the United Nations Protection Areas. The approximately 90 personnel who remain in Sarajevo have continued to perform the following tasks, in so far as security considerations permit: arranging, hosting and sometimes chairing meetings between the hostile parties on cease-fires and related matters; accompanying delegations to such meetings, as necessary; arranging and witnessing exchanges of prisoners of war, wounded and war dead; and such other humanitarian tasks as the Chief Military Observer judges feasible. In carrying out these tasks UNPROFOR personnel have been exposed to growing risks; in recent days they have on several occasions been the deliberate targets of mortar and small arms fire coming from various sides.

II. ANALYSIS OF OPTIONS AVAILABLE

A. Protection through respect for agreements

11. As I stated in my last report (S/23900, para. 29), "the best form of protection is respect for agreements, binding on all the armed parties". Respect for such agreements has been achieved in other confused and dangerous situations around the world, following negotiations conducted by officials of the United Nations, the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP). The success of these efforts has been attributed to the exclusively humanitarian nature of the activities concerned. The United Nations has thus gained increasing respect for the principles governing the unimpeded delivery of relief supplies in conflict situations, namely:

- (a) Relief must be given to all who are in need;
- (b) The delivery of relief must be seen by all the parties as a neutral and humanitarian act;
- (c) Adequate conditions of security must prevail;
- (d) There must be international monitoring of the relief programme.

12. If such agreements could be achieved in Yugoslavia, their implementation could, as envisaged in paragraph 29 of my last report, be monitored by United Nations military observers who could accompany the convoys and be present at

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points of delivery and distribution. Whether, in practice, the presence of international military personnel would be desirable or whether it might call in question the exclusively humanitarian nature of the activity are questions that would have to be addressed at the time. The views of the humanitarian agencies would obviously be of importance in forming a judgement on this point and on other aspects of the implementation of such agreements. They are already experienced in the organization of road convoys and maintaining constant liaison with the representatives of the warring parties. I understand that they would not object to inspection (within reasonable limits) of the supplies themselves if this was necessary to obtain guarantees of safe passage.

13. With regard to delivery by air, it would be necessary to obtain the agreement of all concerned for the opening of the necessary airports for this purpose. In this connection, I was informed by President Izetbegovic of Bosnia and Herzegovina on 19 May 1992 that civilian and military airports in the Republic were being destroyed by JNA. These included the Mostar and Tuzla airports as well as the military one at Bihac.

14. As for Sarajevo Airport, UNPROFOR raised with JNA and the Serb side on 19 May 1992 the possibility of its being opened for delivery of humanitarian supplies. The initial response was that this could be considered, provided that all shipments were checked to ensure that no weapons were included. I instructed UNPROFOR to follow up on this and press for the earliest possible agreement on the reopening of Sarajevo Airport. The Commander of Serbian forces in Bosnia and Herzegovina in Sarajevo confirmed on 26 May 1992 that he was ready to participate in immediate negotiations and did not mention his previous insistence that this issue be linked to the withdrawal of JNA personnel blocked in their barracks in the city. This is being followed up by UNPROFOR.

15. A further possible way of delivering supplies, especially in remote areas, would be by airdrops from helicopters. This too would require negotiated agreements to ensure the safety of the helicopters and their crews.

16. The difficulty with all the above options is that their feasibility depends on agreements being negotiated and honoured. Experience in recent weeks, however, is that, while the various hostile parties in Bosnia and Herzegovina have concluded a number of agreements, their performance in honouring them has been lamentable. Nor does the presence of international observers appear to gain their respect or curb their behaviour. These difficulties are compounded by the fact that many of the road blocks and weapons systems are manned by undisciplined elements who appear to owe allegiance to no recognized political authority with whom an agreement can be negotiated.

17. On 26 May 1992 I received a letter from Mr. Branko Kostic, Vice-President of the Federal Presidency in Belgrade, which is being circulated as document S/24007 and which addresses, inter alia, the question of humanitarian relief in Bosnia and Herzegovina. In that letter, Mr. Kostic stated that the

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authorities in Belgrade are ready and willing to do their utmost to help unhindered engagement of the United Nations and international humanitarian organizations in Bosnia and Herzegovina and would continue to use their influence with the warring parties in Bosnia and Herzegovina to permit humanitarian aid to be transported there. The letter goes on to say that the authorities in Belgrade appreciate the extreme importance of reopening Sarajevo Airport and will publicly appeal to all those involved to lift the blockade immediately in order to permit the delivery of humanitarian aid and to allow UNPROFOR to take over control of the airport.

B. Armed protection

18. If it is not possible to achieve the negotiation of, or respect for, agreements for the protection of humanitarian relief deliveries it may be necessary to consider armed protection. Unless one assumes that the simple presence of United Nations troops would by itself deter attacks on, or hindrance of, road convoys - and all recent experience in Bosnia and Herzegovina indicates that this assumption cannot be made - it would require the deployment of troops in some force on each occasion to clear the route in advance of the convoy and protect it as it passed. The main danger to the convoys would come not from road blocks, which would be comparatively easy to deal with, but from fire by mortars and artillery located some distance from the road. In assessing the risk of hostile action, it has to be remembered that for some of the parties the infliction of hardship on civilians is actually a war aim, as it leads to the desired movements of population from certain areas. Therefore there appears to be a predisposition to use force to obstruct relief supplies.

19. As regards guaranteeing the security of Sarajevo Airport for the delivery of humanitarian supplies, that would, as observed in my last report, require United Nations troops to secure the surrounding hills from which the airport and its approaches can easily be shelled. This too would be a potential combat operation for which a considerable body of troops would be required, with appropriate armament.

20. A less ambitious possibility would be to use United Nations troops to provide armed protection for convoys of humanitarian supplies en route from Sarajevo Airport to distribution centres within that city. There would need to be an agreement that forces deployed in the surrounding hills would not fire at the airport or its approaches when humanitarian supplies were arriving there. The role of the United Nations troops would be to protect convoys within the city from attack by uncontrolled armed elements who might be operating there. This would require an addition to the UNPROFOR mandate, the provision to that Force of extra troops and consultations with troop-contributing Governments if it was proposed to use any existing UNPROFOR personnel for this purpose.

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III. OBSERVATIONS

21. It is for the Security Council to decide whether to deploy United Nations troops, in sufficient strength and with the necessary mandate, to undertake armed protection of international humanitarian aid. Combat missions of the kind described in paragraphs 18 and 19 above would be extremely difficult and expensive; the first would require United Nations troops to secure several hundred kilometres of roads and the second would require them to establish a defensive perimeter around Sarajevo, which the Force Commander of UNPROFOR estimates would need to have a radius of 30 kilometres. I would also ask the Council, when it considers this matter, to bear in mind a point made in my last report, namely that any mandate requiring United Nations troops to take hostile or coercive action against certain factions in Bosnia and Herzegovina could make it more difficult to secure the cooperation which UNPROFOR will need if it is to succeed in fulfilling its mandate in the United Nations Protected Areas in Croatia.

22. More limited protection operations in Sarajevo City, as described in paragraph 20, seem a more feasible possibility, provided that there were reasonable guarantees that hostile action would not be taken against the airport while humanitarian supplies were being delivered.

23. I believe that a more promising course would be to make a determined effort to persuade the warring parties to conclude and honour agreements permitting the unimpeded delivery of relief supplies to all suffering civilians in Bosnia and Herzegovina. The most recent developments, including the letter from the Belgrade authorities referred to in paragraph 17 above and a more receptive attitude by the Serb military leader in Sarajevo, suggest that conditions may be more propitious for the conclusion of such agreements than they have been in recent weeks.

24. The Chief Military Observer of UNPROFOR, who leads the sole remaining international presence in Sarajevo, will continue to do all that he can to arrange the necessary negotiations and assist them to reach a successful conclusion.

25. I have asked Mr. Jan Eliasson, the Emergency Relief Coordinator, to follow this matter very closely and to take any steps which he judges necessary to facilitate the early negotiation of agreements that would allow unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina, in close consultation with UNHCR, ICRC and other agencies involved.



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GENERAL ASSEMBLY
Forty-seventh session
Item 69 of the preliminary list*
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING OF
INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-seventh year

Letter dated 25 May 1992 from the Permanent Representative
of Ukraine to the United Nations addressed to the
Secretary-General

I have the honour to transmit herewith the text of a note by the Ministry of Foreign Affairs of Ukraine of 23 May 1992 addressed to the Ministry for Foreign Affairs of the Russian Federation in connection with the adoption by the Supreme Soviet of the Russian Federation of 21 May 1992 of the Enactment on the Legal Evaluation of the Decisions on the Crimea Status Change Taken by the Russian Soviet Federative Socialist Republic Supreme Bodies of State Power in 1954.

I would like to have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 69 of the preliminary list, and of the Security Council.

(Signed) Victor H. BATIOUK
Ambassador,
Permanent Representative of Ukraine
to the United Nations

* A/47/50.

ANNEX

[Original: Russian]

Note dated 23 May 1992 by the Ministry of Foreign Affairs of
Ukraine addressed to the Ministry for Foreign Affairs of the
Russian Federation

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry for Foreign Affairs of the Russian Federation and, with reference to the adoption by the Supreme Soviet of the Russian Federation on 21 May 1992 of an Enactment on the Legal Evaluation of the Decisions on the Crimea Status Change taken in 1954, has the honour to state the following.

The adoption by the Supreme Soviet of the Russian Federation of this Enactment is regarded by Ukraine as a step which runs counter to the norms and principles of contemporary international law and could have dangerous and unpredictable consequences. It is aimed at undermining such fundamental principles of the Helsinki Final Act as the principles of territorial integrity of States and inviolability of borders.

The unilateral attempt, through legislative means, to cast doubt on the legitimacy of the existing borders between two sovereign States members of the United Nations and participants in the Conference on Security and Cooperation in Europe and the failure to comply with the obligations entered into inter alia under the Treaty between the Ukrainian SSR and the RSFSR of 19 November 1990 and the Agreement on the Establishment of the Commonwealth of Independent States, of 8 December 1991, could lead to a breakdown of stability on the continent.

The Ministry of Foreign Affairs of Ukraine again draws attention to the undisputable fact that the issue of the transfer of the Crimean region from the RSFSR to the Ukrainian SSR was settled in accordance with the legislation in force at that time, including the constitutions of the USSR, the RSFSR and the Ukrainian SSR.

The Ministry of Foreign Affairs of Ukraine declares that Ukraine has no territorial pretensions to other States and simultaneously rejects any territorial claims against itself.

Ukraine is acknowledged by the States of the world, including the Russian Federation, within its existing boundaries, which include the territory of the Crimea. Accordingly, the issue of the status of the Crimea is an internal affair of Ukraine and cannot be the subject of negotiations with any other State.

Ukraine is striving to develop good-neighbourly relations with the Russian Federation, in the belief that this type of relations is fully in accordance with the national interests of the peoples of both States.



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26 May 1992
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LETTER DATED 26 MAY 1992 FROM THE PERMANENT REPRESENTATIVE
OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

On instructions from my Government, I wish to transmit to you herewith a letter dated 26 May 1992 from Mr. Muhammad Said al-Sahhaf, Minister of State for Foreign Affairs in the Republic of Iraq, addressed to Mr. Rolf Ekéus, Executive Chairman of the Special Commission, together with an English translation.

I should be grateful if you would have this letter and the letter from the Minister of State for Foreign Affairs in the Republic of Iraq circulated as a document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

Annex

I have received your letter dated 21 May 1992, in which you inform me of your intention to submit to the Security Council - in the course of the next few days - a report from the Special Commission (UNSCOM) on the state of Iraq's compliance with relevant Council resolutions in connection with the Council's sixty-day review of the provisions of paragraph 20 of resolution 687 (1991).

You state in the letter that, unless there are what you call positive developments on the initiative of Iraq in the near future, you will have no alternative but to conclude that progress has not been made on the three points which you mentioned in general terms in the letter.

I feel, therefore, that your remarks necessitate some clarification on our part, together with a reaffirmation of the actual facts and information concerning the major steps already taken in this connection and the extent of Iraq's continuous cooperation with UNSCOM and the International Atomic Energy Agency (IAEA).

A. The full and final disclosure of activities prohibited under section C of Security Council resolution 687 (1991) and related resolutions:

I should like first to refer to the letter of 24 May 1992 addressed to you by Ambassador Wisam al-Zahawi, Adviser to the Minister for Foreign Affairs. This letter makes it clear that Iraq has cooperated seriously with respect to the declaration on matters relating to chemical weapons, missiles and biological activities.

I should also like to recall that Iraq, in response to a statement by the President of the Security Council on 12 March 1992, submitted information constituting the full and final disclosure in the nuclear field directly to Mr. Hans Blix, Director-General of IAEA, during the meeting held at United Nations Headquarters in New York on 12 March 1992, which was attended on behalf of Iraq by the Chairman of the Iraqi Atomic Energy Commission and a number of his assistants. It was also agreed at that meeting that the disclosure should be seen as a draft for the purposes of discussion, with a view to its being revised and adopted in its final form in the light of comments by IAEA inspectors. The Special Commission was so informed at the time.

Extensive discussions were held during the visit of the eleventh nuclear inspection team to Baghdad between 7 and 15 April 1992, and the disclosure report was revised in the light of comments arising during those discussions.

By way of further clarification, I wish to remind you that the Iraqi technical delegation led by Lieutenant General Amer Rashid informed UNSCOM during its visit to New York in March 1992 that a draft of the full, final and complete declaration for programmes relating to missiles, chemical weapons and

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biological activities had been prepared and was ready for submission in Arabic but that there were certain details which the Iraqi side preferred to complete and submit in English after the delegation's return to Baghdad, so that the full, final and complete declaration could be submitted to a technical delegation from the Special Commission which you had promised to send in early April. However, the delegation was unfortunately not sent, as you mentioned in your letter of 1 April 1992 to General Amer Rashid.

Following this brief review of the most recent steps taken by Iraq, I should like to inform you that the reports making up the full, final and complete declaration of all activities, including nuclear, chemical, biological and ballistic activities, are ready for submission. We await your views as to whether they should be transmitted by mail or through representatives dispatched by you.

B. Iraq's position on Security Council resolutions 707 (1991) and 715 (1991) and on the two plans, together with their technical annexes, adopted under resolution 715 (1991):

I clearly recall that you closely followed all the discussions at the Security Council meetings attended by the high-level Iraqi delegation under the leadership of Deputy Prime Minister Tariq Aziz. In his statement to the Council at its meeting on 11 March 1992, Mr. Aziz emphasized Iraq's readiness to reach a practical solution with regard to verification by the Security Council of Iraq's capabilities for the production of weapons prohibited under Council resolution 687 (1991). He also reaffirmed Iraq's willingness to work out practical arrangements in the context of the objective defined by the Security Council, avoiding political and intelligence goals outside that context. In addition, he mentioned the possibility of identifying a reasonable formula whereby the objective of the current plans could be achieved while at the same time preserving Iraq's legitimate rights, sovereignty and security. The Deputy Prime Minister emphasized the following:

"The understanding by the Council of the logical and legitimate principles, bases and requests which we have presented will naturally lead to an objective, equitable and just implementation of the substantive obligations placed upon Iraq in resolutions 707 and 715 in a manner which will satisfy the Council."

C. With regard to the declarations referred to in paragraph C of your letter, the Iraqi side presented the required declarations in the nuclear field in November 1991, including the following:

1. A list of nuclear materials;
2. A list of facilities;
3. A list of machines, equipment and materials;

4. A list of irradiated isotopes for medical, agricultural and industrial purposes;
5. A list of currently permitted uses.

The lists of nuclear materials and irradiated isotopes have been updated, and there has been a subsequent exchange of views with nuclear inspection teams. It has been agreed that the remaining declarations should be completed when they are next updated as planned in July 1992.

Also in this connection, I should like to note the agreement concluded with you in New York concerning reports on chemical, biological and ballistic activities, the drafts of which were discussed in New York and received by your experts. You promised to send a technical delegation to discuss the format and arrangement of these reports, but the team has not yet arrived.

Furthermore, I should like to refer to our letter of 19 March 1992 concerning the Iraqi side's destruction of prohibited equipment and weapons in the summer of 1991. Inspection teams have verified the figures stated in that letter and noted the importance of that declaration in facilitating their tasks.

It is clear from the foregoing remarks that the reference in your letter to Iraq's failure to honour its commitments regarding paragraphs A, B and C of that letter is an inaccurate generalization completely at odds with the facts of the situation.

All that remains to be met of your demands is the following:

1. The names of companies and suppliers of materials related to these activities:

Our position on this matter, which has been clear from the outset, is based on respect for the ethics, rules and norms of international trade practice among the various parties. This was made clear by the Deputy Prime Minister during his meeting with you at the residence of the Iraqi Permanent Representative in New York.

Iraq has declined to divulge information indicating the names of foreign companies from which it has purchased some of the equipment and materials relating to its weapons programmes. It has adopted this position on moral grounds and will not abandon it. Moreover, a disclosure of this sort can no longer be of any use to you, following the revelation of all details either by companies which actually belong to the West or by other obvious means.

You are well aware that disclosure of the names of companies and individuals will expose many of them to the dangers of liquidation and revenge attacks at the hands of hostile intelligence services, and particularly Israeli intelligence, as has happened in cases such as that of Canadian scientist Gerald Bull.

2. The question of ongoing monitoring to ensure that prohibited (ballistic, chemical and nuclear) weapons are not produced in the future, i.e. addressing resolutions 707 (1991) and 715 (1991) on this issue:

As I explained in paragraph B above, and as stated by the Deputy Prime Minister before the Security Council in March 1992, Iraq demands that agreement be reached between it, UNSCOM and IAEA, under the auspices of the Security Council, on practical guarantees to ensure that the measures and methods of ongoing monitoring will not be of such a nature as to infringe upon Iraq's sovereignty, threaten its internal security, lead to interference in its internal affairs or deny it the prospects of scientific, technological and industrial progress both in civilian fields and in military fields not prohibited under resolution 687 (1991).

Iraq's basic position on all these issues is also linked to the matter of the resolutions imposing the embargo and sanctions on Iraq, which have remained unchanged by the Security Council despite all the obligations fulfilled by Iraq in accordance with the Council's resolutions.

We have not, since the Deputy Prime Minister presented Iraq's position on all the matters under consideration by the Security Council, received from the Special Commission anything which would indicate an understanding of Iraq's just demands, apart from an unofficial paper containing non-binding promises which we continue to hope you may be prepared to consider as an official approach to help both sides identify acceptable formulas and methods to implement the ongoing monitoring. Nor has the Security Council yet taken any positive step towards lifting the embargo and sanctions against Iraq.

As regards the use of Al-Rashid airfield by UNSCOM fixed-wing aircraft, let me remind you that Iraq has provided many facilities and services to the helicopters at Al-Rashid and Habbaniyah airfields. During your visit to Baghdad in November 1991, we mentioned the importance of ending the helicopters' presence in Iraq at the earliest opportunity, and you promised that this would happen within two months. More than six months later, nothing to speak of has been done in this respect, although UNSCOM has made extensive use of the helicopters to conduct surprise inspections and reconnaissance and aerial survey operations and to obtain copious information.

The use of United Nations helicopters can no longer be justified, raising as it does many questions - now that everything has been clarified - about the reasons for their use on such a scale. In order for us to give positive consideration to the question of use of Al-Rashid airfield by UNSCOM fixed-wing aircraft, we hope that the Special Commission will demonstrate a similarly positive attitude with regard to termination of the use of its helicopters, which are operating from Al-Rashid airfield, and to the

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possibility of Iraq's meeting the Special Commission's requirements through the use of Iraqi helicopters when needed.

(Signed) Muhammad Said AL-SAHHAF
Minister of State for Foreign Affairs

Baghdad, 26 May 1992



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26 May 1992
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LETTER DATED 26 MAY 1992 FROM THE PERMANENT REPRESENTATIVE OF
CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE
SECURITY COUNCIL

I have the honour to refer to the statement by the United States Department of State circulated in document S/23989.

An examination of that text fully confirms my statement to the Council concerning the constant and systematic attempts by the United States to obstruct the course of justice in the case of the sabotage of the Cubana Airlines aircraft in October 1976, in order to cover up the facts and thus protect the guilty parties.

The United States acknowledges that it had and has information on the direct involvement of Orlando Bosch in this monstrous act (second paragraph of document S/23989); it also acknowledges that it never transmitted that information to the Venezuelan authorities (fourth paragraph of document S/23989).

In an unsurpassable display of disrespect towards the members of the Council, the State Department tries to justify that conduct, asserting that Venezuela did not request it to provide information.

The State Department also suggests that Venezuela did not request the United States to provide information because it assumed that the United States was in no way connected with the crime and did not have any useful information on the subject.

It is not for me to challenge the assertion that Venezuela did not request information from the United States; however, I must strongly reject this endeavour to use such an excuse in order to cover up an odious crime, for 15 years, and to continue, even today, to protect the perpetrators of that crime.

For a whole series of reasons the United States had and still has the legal, political and moral obligation to provide all the information and evidence in its possession on the terrorist act in question. In general

terms, that obligation flows from the Charter of the United Nations, from the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971) and from numerous General Assembly resolutions, as well as from the most elementary principles of decency.

In this specific case, the United States had such an obligation under the bilateral agreement on the subject concluded with Cuba in 1973, which was in force at the time when the act of sabotage occurred. Furthermore, it had such an obligation under the resolution adopted unanimously by the General Assembly of the International Civil Aviation Organization, in which the Assembly urged "the States which are in a position to do so to prosecute and punish with the greatest severity those criminals who committed this deed, so that the penalty may correspond to the magnitude of the crime and constitute a deterrent for the future".

It is revealing that, after having delayed the convening of the Council meeting for almost a month and in view of all the time it had to prepare for the meeting, Washington has produced a statement that constitutes a genuine affront to those to whom it is addressed and a violation of the principles of justice. Understandably, the United States did not include that statement in the remarks made by its Ambassador and did not circulate the statement until after the meeting: the authors of the statement obviously did not dare to discuss it in public.

I must refer to two other aspects of the document prepared by the State Department.

The first is the assertion that Mr. Bosch has been tried in Cuba in absentia, which is totally false and without any foundation whatsoever. Mr. Bosch was not tried in Cuba because he was indicted and put on trial in Venezuela; moreover, we provide all relevant information to the Venezuelan authorities, and do not conceal it, as Washington has. The assertion that Cuba has tried and sentenced Bosch is a lie and, above all, a way of continuing to protect the murderer.

According to the United States statement, Washington's hypocritical logic is more or less as follows: the United States does not concern itself with the terrorist's crimes but, rather, with his violations of immigration rules; a Venezuelan court, to which Washington gave no information, acquitted him of the 1976 crime, and although the State Department has decided to deport him, it has not done so because - it claims - Cuba has sentenced him. The outcome of all this is that Mr. Bosch is in his residence in Miami and the evidence against him continues to be jealously guarded in Washington.

There is another aspect of the statement by the State Department that should be given closer consideration because it is indicative of an even more serious intention to deceive the Council.

The document that we are examining strives to give the impression that the United States Government had no connection whatsoever with the events of

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6 October 1976; other Governments could therefore have regarded that Government as having no such connection, which would explain why they did not request it to tell them what it knew and why it did not feel obliged to provide any information.

It is difficult to imagine that anybody regarded the United States Government as having no such connection. Indeed, it would be extremely difficult to imagine that, quite simply because the United States authorities themselves did not believe any such thing.

I can make available to members of the Council who wish to peruse it the full text of the report of the commission of inquiry set up by the Government of Barbados, which met in Bridgetown from 28 October to 3 December 1976, and in whose meetings an official United States delegation wished to participate and in fact did participate.

If Washington had no connection whatsoever with the incident, why was it interested in attending the meetings of the Commission, from the very first to the very last meeting, throughout the entire month in which the Commission met? Was that perhaps because certain people in Washington wanted to have firsthand, precise information on any existing technical data and real evidence concerning the explosion on board the aircraft? Or because it had not yet been demonstrated - precisely as the Commission was to demonstrate - that the explosion was not attributable to an accident but, rather, to a criminal act of sabotage?

In the course of its work, the Commission received specific information and testimony on direct links between the United States authorities and the individuals who actually carried out the act of sabotage, with respect to which the United States has as yet provided no response and on which it remained silent in its communication to the Security Council. In view of the great importance of the information and testimony in question, I shall address a letter to you on the subject shortly.

The United States stance represents a serious challenge to the Security Council. The only just and honourable way of meeting that challenge is to call upon the United States to put an end to 15 years of concealment of the facts, obstruction of justice and protection of terrorists. The draft resolution that we have submitted (S/23990) would enable the Council to take a step in that direction and thus fulfil its obligations.

I request you to arrange for this letter to be circulated as a document of the Security Council.

(Signed) Ricardo ALARCON de QUESADA
Ambassador
Permanent Representative of Cuba
to the United Nations
